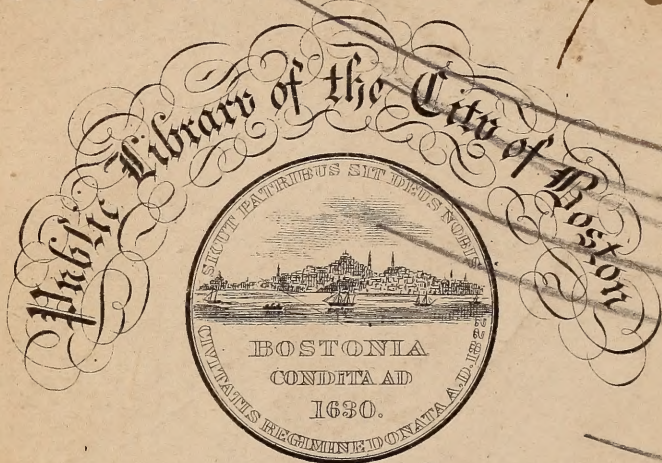


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A
HISTORY
OF
English Councils
AND
CONVOCA TIONS.

And of the
Clergy's Sitting in Parliament.

In which is also Comprehended the
History of Parliaments.

With an Account of our
Ancient Laws.

By HUMPHRY HODY, D. D. Chaplain
to his Grace THOMAS Lord Archbishop of
Canterbury, and Regius Professor of the Greek Tongue
in the University of OXFORD.

L O N D O N:
Printed for Rob. Clavell, at the West-end of St. Paul's
Church-Yard. MDCCI.

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CONVOCACTIONS

7th 1837
History of Parliaments.

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TO THE
READER.

THE Controversie about the Powers and Privileges of an *English Synod* or *Convocation*, and the Clergy's ancient Right of Sitting in *Parliament*, growing warm and earnest, I thought if a By-stander should interpose so far as to give a faithful and Impartial History both of one and the other, it could not but be a Work very acceptable to the Publick. How unqualified soever I ought to have esteemed myself for so great an Undertaking on other Accounts, yet the greatest Qualification of all, and the greatest Praise that can be given any Writer, I dare arrogate to my self (neither shall I be thought Vain-glorious for it) which is that of Sincerity, and an unbiass'd Integrity. For I never found in my self any great Inclination to be led about blindfold by any Party; on the contrary, a very great one to search diligently after Truth; and, having once found it, never to Betray it, by adding, concealing, or false-colouring;

A 2

louring : Faults too too common in most Controversial Writings.

Having had an Opportunity to peruse the ancient Records of the Archbishops of *Canterbury*, I found that those learned Gentlemen, who have lately appear'd on this Argument, had made but little use of 'em : Tho' for the Matter of *Convocations*, and as far as they go, they are of much greater value (I speak not this rashly) than all the Registers and MSS. of the whole Kingdom put together, and ought to have been the first Volumes that any one who attempted this Subject should have intimately acquainted himself with. But they had not the same Opportunity. This was the first Inducement by which I was prevail'd upon, to engage in this Subject, having found therein a great many things which might serve to put the Dark and Obscure Business of *Convocations* in a clear Light. Having after that examin'd the Edition of our *English Councils*, I found therein, from the beginning to the end, a great number of Defects, which I have here endeavour'd to supply.

Being obliged to search very nicely into the History of our *Parliaments* to find out what Interest the Clergy had anciently there, I thought it would be a thing very grateful to the Curious, to extend my Inquiries a little further, and to publish a full and exact Account of 'em to the time of our present happy Establishment. I was easily perswaded, that

it

P R E F A C E.

it could not but be a Work very acceptable to the *Gentry* of *England*, and especially to those who have the Honour to serve their King and Country in that Great and Noble Assembly. I was therefore the more desirous to enlarge my Subject thus far, because by an exact and accurate Account it evidently appears that the *Commons* of *England* have had place in the Great Councils of the Kingdom much earlier than what some of late have been willing to allow. Not that I think it a Question of very great Moment, How old the Constitution of any Government is? With those that duly consider the Nature of Government, the Question is not, How old? or How late? but, Is it truly so Now? When once that appears, all beyond is *Curiosity*. To view the several Steps and Advances of a Constitution is a *fine Curiosity*, and that is all that can be said of it. All Governments had once a Beginning: And for the Establishment of any one, *four hundred Years*, or even half of that time, is as good as a *Thousand*. I take that Controversie about the Antiquity of our present Constitution to be as little material, as that other which usually goes along with it; Whether *William the Conqueror* were truly a *Conqueror*? Let us grant that he was so: Yet what is that to us, who are descended not only from those that are suppos'd to have been *Conquer'd*, but also from the *Conquerors*; and are the Heirs and Inheritors of all their

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Rights and Liberties? And were we the *Descendants* of the *Conquer'd* only, yet the *Charters* and *Grants* which we have had from our Princes since that time, would have made us as Free as if we had had none but the *Norman* Blood in us. Whatever was heretofore, the Question Now ought to be; What have our Kings granted? and what have We? And what Usages have since by Common Consent and a Reasonable Prescription obtain'd amongst us? To be always running backward to shew that *Once it was otherwise*, whether on one Side or t'other, argues more of *Design* than *Judgment*.——But I find, instead of a *Preface*, I am a writing another Book.——

Having carryed my Searches thus far into the Antiquities of our Constitution, and design'd a History of *Parliaments*, as well as of *Synods*, it was natural to go a little further, and to consider those *Laws* and *Charters* which were made in those Parliaments, by which our Ancestors were govern'd, and which in part we still enjoy. A History of our *Laws* is a Work that has been much desired, and a History of 'em is herein contained, to the Beginning of *K. Ed. I.*

The Antiquities then of our Constitution both in *Church* and *State*, and the History of our ancient *Canons* and *Laws*, is the high and noble Subject of these Papers. Which tho'

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I cannot pretend to have manag'd according to the Dignity of it, yet I hope I have so done it, as to give no Offence to any one. I have treated, I hope, of that High and August Assembly, the *Parliament of England*, with all that Decency which might be expected from one who is under the *Influence* that I am, and who heartily wishes, it may for ever flourish, as at present establish'd, the Glory of our Nation, and, in Conjunction with his *Majesty*, the great Support of our Happiness. I have treated (I hope) of that Venerable Body, the *Convocation*, and the *Clergy of England*, with all that Reverence that is due to those, who deserve the highest Praise, even that which was given the *British Clergy* by one of the last Age : *Stupor Mundi, Clerus Britannicus*.

As for private Persons, I am an Adversary to no one. I go not out of my way to find Faults in other Men's Writings. If I take notice of any, 'tis because they lay directly in my way, and I could not well step over 'em. I cannot say, I have endeavour'd to avoid, for (I thank God) I have no Inclination to, those Modish *Figures of Writing Raillery and Contempt*. Let it suffice to say, that I mention no one, whose Reputation I am not much more desirous to advance than to lessen. I am too often guilty of Mistakes my self to insult over others on that Account. And I

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know Human Nature too well, to despise or think meanly of any, because I find 'em sometimes mistaken.

I ought indeed in common Justice and Gratitude to have taken notice, with no small Indignation, of some late Reflections upon the present Governours both of Church and State. But I desire to be more *Civil* to my *Equals*, than they are to their *Superiours*. And I have rather chosen to offend on the Right Hand than on the Left. But this I cannot but here complain of (and who will not join with me in the Resentment?) that those very same Things (I own my Eye is now on *the Rights of Convocations*) which under late Governments were commonly practised, and never remonstrated against by any one whatsoever, are now represented as a horrid betraying of the Church. Who blames the Great Men that had the Conduct of Affairs in those Times? This is provokingly Partial; 'tis Hard. — But I forbear.

I might tell the Reader, to excuse the Mistakes or Defects of this History (as some without doubt there are) that I had very little Time, and much less Leisure to make it, none to correct it. But I am sensible that Quickness in Writing, and Hast in Publishing, are no good Excuses for the Faults or Defects of any Book. I shall therefore leave it to
take

P R E F A C E

take its Chance in the World. And shall only beg the Reader's Pardon, for presuming to spend but a few Months on so great a Subject. Yet this withall I must add, that tho' I have writ in *Hast*, yet I have not been *Careless*. And I hope there will be found, as not many Omissions material, so not any Mistakes of any Moment. Whatsoever there are, I shall be full as ready to correct 'em, as I was to write 'em: having no other Aim but to deliver the Truth. Let the Errors of this Book in other Respects be what they will: I cannot be suspected to have misrepresented any thing as partial to the Dignity of the most Reverend Father, to whom I have the Honour to be so nearly Related, since his Grace is always more ready to forego the Power he has, than to claim what he has not, and he never asserts any but because he *Ought*.

When first I sent these Sheets to the Press, I design'd to have brought down the History of *Convocations* to our own Times, and to have added some other Things relating to this Argument; But the Bulk of the Volume obliged me to break off where the ancient Records of our Convocations end, in the Beginning of K. *Henry VIII*. It may be, hereafter I may publish a Continuation of it, together with those other Things, which now I have been forced to omit: But I hope to be prevented

P R E F A C E.

vented by the more able Performances of
the Reverend and very Worthy Dr. Wake.

A Word more and I have done. To make
this Piece the more useful, I have every where
produced my Authors own Words: That the
Reader by perusing this alone, may learn as
much concerning these Matters, as I have
(whatsoever that be) by turning over so ma-
ny Volumes. I have studied not *Fineness*, but
Usefulness.

Lambeth-House,
Jan. 1. 170^o.

T H E

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38 Clerks Representatives of the *Diocesan Clergy*. The *Præcentor* of *S. David's* is by no one, that I know of, mention'd as a Member; but all the *Lists* shew him to be one.

In a *List (a)* of the Convocation of 1 *Ed. VI.* which I have seen, there is no *Dean* or *Chapter*, either of *Windfor*, or of *Wolverhampton*; and, what is more remarkable, there are 2 *Proctors* for the Clergy of the *District of the Jurisdiction of S. Albans*, and 2 likewise for the Clergy of *Westminster*, distinct from those of the *Diocese of London*. And for the *Diocese of Peterborough* there are not two only, as in all other *Dioceses*, but three *Proctors*.

In the *Convocations* of 1640. the *Dean of Westm.* standing *Suspended*, *Dr. Rob. Newel*, the *Subdean*, appeared in his stead. I find his Name in the *Lists*, and he was formally presented to the *Archbishop* in Convocation by the *Prebendaries* of that Church, but he does not seem to have been admitted: For it appears that there were *Protestations* enter'd on both sides; by the *Subdean* on behalf of the Church, and by the *Archbishop* in the Name of the *Convocation*.

The whole number of *Convocation* at this time, is 166. viz. 22. in the *Upper-House*, and 144 in the *Lower*. Before the *Dissolution of Monasteries*, the number was much greater, and there were many more in the *Upper-House*, than in that of the *Inferiour Clergy*. A *List* of all under *Bishops*, whose Right it was before that time to sit in *Convocation* (excepting only the *Diocese of Landaff*., which I know not by what mistake, is omitted) I shall here subjoin (b) out of the *MS. Synodalia* of *Bennet*, or *Corporis Christi College* in *Cambridge*: In which, besides the number of *Ab-*

(a) Apud *Synodalia* CCCC. lit. f. c. (b) I have found since that that Copy was transcribed out of *Archbishop Kemp's Register*, fol. 229. And from thence it appears that it was made about the Year, 1452.

bots and *Priors*, this may be observed, That the Clergy of the Diocess of *London* had four Proctors, two for the City, and two for the rest of the Diocess: So likewise the Diocess of *Winchester*, two for the *Archdeaconry* of *Winchester*, and two for the *Archdeaconry* of *Surrey*; and the Diocess of *Norwich*, two for the Diocess, and two for the *Archdeaconries* of *Suffolk* and *Sudbury*. For the large Diocess of *Lincoln* there are no Proctors of the Clergy at all: The Cause of which, if it be not an Omission in the List, I take to be the great number of *Archdeacons* which that Diocess sent up to Convocation: For in ancient times, before the Clergy had Proctors of their own Body, they were represented in Convocation by their *Archdeacons*, to whom they gave Letters of Proxy, or Commissions to act on their behalf, as they do now to their two Proctors whom they send up. It is therefore probable, that the Clergy of the Diocess of *Lincoln*, having eight *Archdeacons* in Convocation, might content themselves with them, according to the old Custom, and neglect to send up other Proxies.

Hic Inferiùs describuntur Nomina eorum qui
ut ab antiquo debent comparere in Convo-
cationibus Prælatorum & Cleri Cantuar.
Provinciæ per singulas Dioc. Cantuar. Pro-
vinciæ.

CANTUARIEN. In Civitate & Archidiac.
Lond.

Prior Ecclesiæ Christi
Cant.

Archidiaconus Lond.

Capitulum ejusdem Ecclesiæ. Abbas Monasterii beatæ Ma-
Archidiaconus Cant. riæ de gratiis juxta Tur-

Abbas Sancti Augustini Cant. rem Lond.

Abbas de Feversham. Prior Priorat. Sanctæ Trin.
Lond.

Abbas Sancti Radegundis. Prior Priorat. Sancti Bar-
Abbas de Langedon. thol. in Smithfelde.

Abbas Sancti Gregorii Cant. Prior Priorat. hospitalis bea-
Prior Dover. tæ Mariæ extra Bishops-
Prior de Folkeston. gate.

Prior de Lecdes (al. Ledis.) Prior hospital. sive Prioratus
Prior de Combewell. de Elsinge Spittle.

Clerus ejusdem Dioc. Magister Domus de Acon.

LONDON. Magister Hospital. Sancti
Barth. in Smithfield.

Decanus Ecclesiæ Sancti Pau- Magister Coll. Sancti Lau-
li Lond. rentii Putney Lond.

Capitulum ejusdem Ecclesiæ.

In Archidiac. Essex.

Archidiaconus ibidem.

Abbas Monasterii beatæ Ma-
riæ de Stratford. Ab-

Abbas Monasterii de By- Prior de Hatfield.
leigh. Clerus Civit. Lond.
Prior de Lees (al. Leghes.) Clerus ejusdem Dioc.

Prior de Pritwell.

Prior de Blackmore.

Prior de Toby.

Prior de Stangate (al. Prior Ecclesiæ Cath. Winton.
Stainegate.) Capitulum ejusdem Ecclesiæ.

Prior de Bicknacre.

WINTON.

In Archid. Middlef.

Archidiaconus ibidem.

Abbas Westmonasterii.

Abbas Monasterii Sanctæ
Crucis de Waltham.

Abbas Monasterii de Tiltey.

Prior de Dunmowe.

Prior de Hatfield Regis.

Prior de Royston.

Prior de Latton.

Abbas de Bello loco Regis.

Abbas de Tychebfield.

Abbas de Little (al. Letley,
five Leto loco.)

Abbas de Quarreia in Insu-
la Vecta (al. Quarrera.)

Abbas de Waverlee.

Abbas de Bermondsey.

Prior de Southwike.

Prior Ecclesiæ Christi de
Tyneham (al. Twinham.)

Prior de Bromore (al. Brom-
mer.)

Prior Sancti Dionysii juxta
Southampton.

Prior de Selborne.

Prior de Merton.

Archidiaconus ibidem.

Abbas Monasterii Sancti Jo- Prior beatæ Mariæ de Overis
hannis Colcest. in Southwarke.

Abbas Monast. Sancti O- Prior de novo loco juxta Rip-
sithe. ple.

Abbas Monast de Cockshal Prior de Rigate.

(al. Coggeshal.)

Prior de Tanrige.

Abbas Monast de Walden.

Archdiac. Winton.

Prior S. Botulphi Colcest.

Archdiac. Surr.

Abbas de Maldon.

Prior de Motesfonte (al.
Montisfont.)

Prior de Colne.

Prior de Arneball (al. Trem-
bale.)

A History of Convocations.

Clerus Archidiac. Wint.

Clerus Archidiac. Surr.

LINCOLN.

ROFFEN.

Prior Ecclesiæ Cath. Roff.

Capitulum ejusdem Ecclesiæ.

Archidiac. Roffen.

Prior de Tunbridge.

Abbas de Lesnes.

Clerus ejusdem Dioc.

Decanus Ecclesiæ Lincoln.

Capitulum ejusdem Ecclesiæ.

Archidiac. Lincoln.

Archidiac. Northampt.

Archidiac. Oxon.

Archidiac. Huntingdon.

Archidiac. Leicest.

Archidiac. Bedford.

Archidiac. Stowe.

BATHON.& WELLEN.

Archidiac. Buckingham.

Decanus Ecclesiæ Cath.
Well.

In Archidiac. Lincoln.

Capitulum ejusdem Ecclesiæ.

Prior Ecclesiæ Cath. Bath.

Abbas Glaston.

Abbas de Kenesham.

Abbas de Muchilney.

Abbas de Achelney (al. A-
thelney.)

Abbas de Clyva.

Prior de Bruton.

Prior de Taunton.

Prior de Monte acuto.

Magister Hospital. Sancti
Johannis de Bridgewater.

Archidiac Wellen.

Archidiac. Taunton.

Archidiac. Bathon.

Abbas Sancti Salvatoris.

Clerus ejusdem Dioc.

Abbas de Kyrkested.

Abbas de Remesby (al. Re-
vesby.)

Abbas de Parro Lude.

Abbas de Villa Dei (al. valle
Dei.)

Abbas de Newhouse.

Abbas de Hagubye (al. Hag-
neby.)

Abbas de Tuppholme.

Abbas de Newbo.

Abbas de Croyland.

Abbas de Bardney.

Abbas de Humbreston.

Abbas de Thornton.

Abbas de Welhowe.

Abbas de Brunne.

Prior de Sompingham.

Prior de Bulington.

Prior de Sickhill (al. Syxeyll.)

Prior de Ormesby (al. Mi-
mormesby.) Pri-

<i>Prior de Alingham.</i>	<i>Abbas de Regali loco juxta Oxon.</i>
<i>Prior Sanctæ Katharinæ extra Lincoln.</i>	<i>Abbas de Eynsham.</i>
<i>Prior de Haverbolme.</i>	<i>Abbas de Ofeney.</i>
<i>Prior de Cattley.</i>	<i>Abbas de Dorchester.</i>
<i>Prior de novo loco (al. Newsted.)</i>	<i>Prior Sanctæ Fridiswidæ.</i>
<i>Prior de Belvero.</i>	<i>Prior de Burcestr.</i>
<i>Prior de Spaldinge.</i>	<i>Prior de Wroxton.</i>
<i>Prior Sancti Leonardi juxta Stamford.</i>	<i>Prior de Calverton.</i>

<i>Prior de Keme (al. Kyme.)</i>	In Archidiac. Buckingham.
<i>Prior de Markby.</i>	<i>Abbas de Bitlefden.</i>
<i>Prior de Elshull.</i>	<i>Abbas de Medraenham.</i>
<i>Prior de Parro Notton.</i>	<i>Abbas de Lavenden.</i>
<i>Prior de novo loco juxta Stamford (al. Newsted.)</i>	<i>Abbas de Nettle (al. Noteley.)</i>
	<i>Abbas de Musseden (al. Missenden.)</i>

In Archidiac. North.

<i>Abbas de Pypwell.</i>	<i>Prior de Tykeforde.</i>
<i>Abbas de Sulby.</i>	<i>Prior de Ravenstone.</i>
<i>Abbas de Burgo Sancti Petri.</i>	<i>Prior de Chetwell.</i>
<i>Abbas Sancti Jacobi juxta Northampton.</i>	<i>Prior de Newport.</i>
	<i>Prior de Snelshall.</i>

In Archidiac. Huntingdon.

<i>Prior Sti. Andreae Northam.</i>	<i>Abbas Sancti Albani.</i>
<i>Prior de Luffield.</i>	<i>Abbas de Saltreia (al. Swatre.)</i>
<i>Prior de Daventry.</i>	<i>Abbas de Ramesey.</i>
<i>Prior de Chancombe (al. Chancum.)</i>	<i>Prior de Hertford.</i>
<i>Prior de Asheby Canoniorum.</i>	<i>Prior de Sancto Neoto.</i>
<i>Prior de Fynnestede.</i>	<i>Prior Canoniorum Hunting.</i>

In Archidiac. Oxon.

<i>Abbas de Thama.</i>	<i>Prior de Wylmundely.</i>
<i>Abbas de Bruera (al. Bruern.)</i>	<i>Prior de Stonley.</i>
	<i>Rector de Ashrugge.</i>

*Archidiac. Salop.**Abbas Cestr.**Abbas Salop.**Abbas de Burton super Trent.**Abbas de Derley.**Abbas de Whalley.**Abbas de valle Regali.**Abbas de Cundermere (al.
Cumbremere.)**Abbas de Roucester (al.
Rowceter.)**Abbas de Dien Loucres (al.
de la cres.)**Abbas de Heighmonde.**Abbas de Littleshal.**Abbas de Hilton.**Abbas de Cumba.**Abbas de Myra valle (al.
Merivall.)**Abbas de Stonley.**Abbas de Dala.**Abbas de Bello Capite.**Prior de Kenylworth.**Prior de Tattebury.**Prior de Stone.**Clerus ejusdem Dioc.***WIGORNIEN.***Prior Ecclesiæ Cath. Wigorn.**Capitulum ejusdem Ecclesiæ.**Archidiac. Wigorn.**Archidiac. Gloucestr.**Abbas de Evesham.**Abbas de Pershore.**Abbas de Bordefley.**Abbas de Hailes Owen (al.
Halefowen.)**Abbas de Alyncest.**Abbas Monast. Sancti Petri
Glouc.**Abbas de Tewkesbury.**Abbas de Cirencestr.**Abbas de Winchcombe.**Abbas Sancti August. Bristol.**Abbas de Hailes.**Prior de Stedeley.**Prior Majoris Malverne.**Prior Minoris Malverne.**Prior de Lanthonye.**Prior de Dirhurst.**Decanus Ecclesiæ Collegiat.**Warwick.**Abbas de Kingeswode.**Clerus ejusdem Dioc.***CICESTREN.***Decanus Ecclesiæ Cath. Ci-
cestr.**Capitulum ejusdem Ecclesiæ.**Archidiac. Cicestr.**Archidiac. Lewen.**Abbas de Bello.**Abbas de Bigham.**Abbas de Ponte Roberti (al.
Roberts-Bridge.)**Abbas de Dursford.**Abbas de Quawe.**Prior de Lewes.**Prior de Sela.**Prior de Michilham.**Prior de Hastings.**Prior de Boxgrave.**Prior de Tortington.**Clerus*

Clerus ejusdem Dioc.

Abbas de Strata Florida.

Abbas de Talley.

Abbas de Combire.

Abbas de Kermerden.

Prior de Haverforde.

Prior de Pulla.

Prior de Brechon.

Prior de Langthonia prima.

Clerus ejusdem Dioc.

HEREFORD.

Decanus Ecclesiæ Cath. Hereford.

Capitulum Ecclesiæ Cath.

Archidiac. Hereford.

Archidiac. Salopienfis.

Abbas de Flaxlex.

Abbas de Dora.

Abbas de Wigmore.

Prior Hereforde.

Prior de Monmouth.

Prior de Wormesley.

Prior de Liomystr (al.

Leominstre.)

Prior de Bromfield.

Prior de Chuberie.

Prior de Wenlake.

Clerus ejusdem Dioc.

ASSAVEN.

Decanus Ecclesiæ Assaven :

Capitulum ejusdem Ecclesiæ.

Archidiac Assaven.

Abbas Monast. de Conway.

Abbas de Bassingworke.

Abbas de Strata Marcella.

Clerus ejusdem Dioc.

MENEVEN.

Præcentor Ecclesiæ Menev. Decanus Ecclesiæ Cath. Ban-

Capitulum ejusdem.

Archidiac. Meneven.

Archidiac. de Kermarden.

Archidiac. de Brechon.

Archidiac. Cardigan.

Abbas Sancti Dogimaelis (al. Præpositus de Clannock (al.

Dogmaelis.)

Clunockvaur.)

Abbas de alba Landa (al. Præpositus Castri Tubij (al.

Whiteland.)

Castro Cubij.)

Abbas de Bardefia.

Prior de Perimon. (al. Pen-

mon.)

Prior de Bethkeleirth (al.

Bethkylberte.)

Clerus ejusdem Dioc. This

Pauperes sunt & Inopes.

coram NOBIS (the King) in the *Provincial*, they are order'd to be summon'd *coram VO BIS* (the *Arch-bishop*.)

Thus much I thought fit to say by way of *Introduction*, that my *Reader*, before he enters into the *History* of the *ancient* Constitution of our *Synods* and *Councils*, might understand how it is at *present*; and as he goes along, be able to make a just Comparison between the *ancient* and *present*. My design in the following *History*, is to shew by whose Authority our *Synods* or *Councils* have been wont to be call'd from the very beginning, who the Members constituent were; and what the *enacting* Power. And because our *Great Councils* which the *Saxons* call'd *Witena Gemots*, the *Normans* *Parliaments*, are for some Ages scarce distinguishable from *Synods*; I shall therefore till the time of the *Conquest*, take notice of both together, without putting 'em under two distinct Heads, according to the order of time in which they lie.

The first *Synod* that is mention'd to have been in this *Island*, is that of *Verulam*, An. 446. (according to *Matthew of Westm.*) against the Errors of *Pelagius*, in which *Germanus* Bishop of *Auxerre*, and *Lupus* Bishop of *Troyes* in *Champaigne*, sent hither by the Bishops of *France*, disputed against the *Pelagians*. *Illic plane*, says (a) *Bede*, *immensa multitudo etiam cum conjugibus ac liberis excitata convenerat. Aderat populus & spectator futurus & iudex.*

The 2d was held against *K. Vortigern*, who had married his own Daughter; *Hoc cum compertum esset a sancto Germano, venit corripere Regem cum omni Clero Britonum. Et dum conventa esset magna Synodus Clericorum ac Laicorum in uno concilio, ipse Rex praemonuit filiam suam ut exiret ad Conventum, &c.*

(a) Hist. i. 17.

Iratus est (Rex) vehementer, & ut a facie sancti Germani fugeret quærebat, & maledictus est & damnatus a beato Germano & omni Concilio Britonum. Nennius c. 38.

K. Vortigern deposed, and Aurelius made King in his stead by a Council of the British Clergy and Laity, An. 465. Convenerunt Britones undiq; dispersi, & convocato Regni Clero, Aurelium in Regem erexerunt. Matt. Westm.

In the ancient Register of the Church of Landaffe, called Teilo, it is said, that St. Dubricius was consecrated Archbishop. by Germanus and Lupus, à Rege & omni parochiâ electus; and that his Episcopal Seat was constituted at Landaffe, Concessu Mourici Regis, Principum, Cleri & Populi. Capgrave (a,) says, he was consecrated, consentiente Rege Ambrosio Aurelio, necnon & omni Clero. So Benedict of Gloucester, in his Life; Ab Ambrosio Aurelio, necnon & ab omni Clero & Populo illius Archidieceſeos canonice delectum consecraverunt.

A Convention of the Clergy and great Men by King Aurelius Ambrosius at the erecting of Stonehenge, in memory of the Nobility kill'd by Hengist the Saxon, *Congregati sunt in monte Ambrosii, edicto Regis, Magnates cum Clero, ut cum magno honore dictorum Nobilium Sepulturam præpararent*, says Capgrave in the Life of St. Patrick. Benedict of Gloucester, in the Life of St. Dubricius, tells the same Story, and says, That the King commanded *universis Regni Magnatibus cum Clero pariter*, to be present, and accordingly that there came together, *Pontifices atq; Abbates ex unoquoq; ordine*; that for three Days together the King, with his Crown on, celebrated the Festival, and there, *communi consilio*, preferr'd two to the Archbishopricks of Caerligion and York.

(a) Vita S. Patricii.

He adds, that *Ambrosius*, and after him, *Uther Pendragon* being dead, King *Arthur*, as soon as he came to the Crown, call'd a Council of the Clergy and great Men to consult with them, what Course he ought to take to oppose the Saxons : *Convocato Clero Primatibusq; regni consuluit eos, &c.* and, *communi consilio*, sent to *Hoel* King of Britain in France, to demand Succours of him. But these things are all uncertain, and no more to be depended upon, than that which he relates concerning France its being conquer'd by King *Arthur*, and his establishing the Peace of that Kingdom at Paris, *convocato Clero & Populo*. Of a Piece with the rest is that which he adds, That *Lucius Caesar* demanding Tribute of him, he desired Assistance against the Romans, *ab omnibus Regibus, Ducibus, Consulibus, atq; Baronibus ibi congregatis*.

Gyraldus Cambrensis, in the life (a) of *S. David*, tells us of a Synod of all Wales call'd at *Breui*, against the Pelagian Heresie, consisting of the Bishops, Abbots, Religious Men of all Orders, Lay-Lords and People: And in which he says, *St. David* was elected and consecrated Archbishop of Wales. *Non longis autem post hæc temporibus Pelagiana labe & Hæresis detestanda per B. Germanum Antifiod. & Lupum Trecentem in Insulam transmissis olim extincta, redi-vivo morbo redi-viva-que malitiâ in fidei Catholice perniciem jam resuscitata, universali totius Kambriæ Synodo colligendæ occasionem dedit. Unde & collectis in Kereticâ regione apud Breui Episcopis, & Abbatibus, virisque Religiosis diversorum Ordinum multis, necnon & laicis Principibus ac Populis de universâ regione collectis, &c.* *S. David* (he says) was there prefer'd to the Archbishoprick of all Wales, *communi omnium, tam Cleri scil. quam Populi, electione pariter & acclamatione*. In *Spelman*, the

Reader will find no mention of this Synod, or, at most, no more than this; That *Ranulphus Cestriensis* writes, that *S. David* was made Bishop an. 519. *ex universæ gentis Synodo.*

Another Synod *Giraldus* mentions, unknown to the learned Sir *H. Spelman*, call'd a little after the other, and named the Synod of *VICTORY*, in which the Acts of the other were confirm'd, and some other things done for the good of the Church. *Processu vero temporis & alia Synodus collecta est, cui nomen Victoriæ, in quâ convocato TOTIUS KAMBRIÆ CLERO, ea quæ in priori Synodo firmata fuerant, adjectis quoque quibusdam super Ecclesiæ commoditatibus, firmo rigoris examine sunt renovata. Ex his itaque duabus Synodis omnes Kambriæ totius Ecclesiæ modum & regulam, Ecclesiâ quoque Romanâ auctoritatem adhibente & confirmante, susceperunt. Quarum decreta, quæ ore promulgaverat, Præsul David suâ quoque sanctâ manu literis mandavit; suæque Ecclesiæ aliisque per Kambriam pluribus reservanda commendavit.* He adds, that partly through age, partly through carelessness, and partly by the Ravages of Pirates, who from the *Orcades* infested those Countries, the Decrees of those Councils, & alii quamplurimi nobilis *Bibliothecæ thesauri egregii* were destroy'd. This Synod is likewise mention'd in the *Annals of the Church of S. Davids*; Where I find these words: *Synodus Urbis Legionum ordinata à S. David Menevensi Archiepiscopo*: More expressly by *Ricemarchus*, in his *Life of the same Saint*, who seems to Transcribe *Giraldus*: *Deinde succedente temporum serie alia colligitur Synodus, cui nomen Victoriæ. In quâ collectâ Episcoporum, SACERDOTUM, Abbatum turbâ, ea quæ in priori firmaverant, adjectis etiam de aliquantis utilitatibus, firmo rigoris examine renovant. Ex his igitur duabus Synodis omnes nostræ patriæ Ecclesiæ modum & regulam*

Regiis, atque ultro volentibus reverendissimis fratribus—Laurentio, Mellito, & Justo.

But these are all, without controversy, forged and spurious: As are all *Charters* (a) esteemed to be before the beginning of the 8th Century; *Estates*, and even *Privileges* too, being before that time convey'd without any *Writing*. And *Witbred King of Kent*, who began to Reign about the year 700. is said to have granted the first *written Charter or Diploma*.

Even after the year 700. most of the *Charters* that are in *Latin*, are accounted (b) *Forgeries* to the time of King *Edgar*, i. e. *ad an. 958*. And to speak my Opinion freely, I look upon all that are pretended to be older than the *Conquest*, to be of very doubtful, and consequently of very little authority. But especially those, in which there is granted an *Exemption from Episcopal Jurisdiction*, I have no Opinion of, but utterly reject. However, because they are all, or almost all, pretended to be made in some *Synod or Great Council*, and Sir *H. Spelman* has thought fit to produce as many as came to his Hands, and by other *Antiquaries* they are wont to be quoted as *Autorities*, and they shew at least, the Opinions of that Age in which they were forged, which was for the most part just after the *Conquest*; for these Reasons, I intend to take notice of most of those that shall come in my way, (which will be a great many more than were known to that Learned and Worthy Collector of our *English Councils*) lest this History should be thought imperfect without 'em.

I shall take notice here in this place, of what *Fordun*, the *Scotch Historian*, relates of the ancient

(a) V. *Spelman Tom. 1. p. 125.* (b) V. *Præf. ad Angl. Sacr. Tom. 2.*

Writers of our *English* History, but which I take to have nothing of Truth in it, That every Monastery founded by the Kings, was obliged to have a Scribe, who should take an account of all things considerable that should happen in any King's Reign; and that at the next *General Council* which should be after the King's Death, the Historiographers all came together, and produced their Writings; and the Council appointed the wisest and most skilful of their Body to examin 'em, and out of all compared together to make a History, or *Chronicle*, which was repositied in the Archives of all the Monasteries.

To proceed. *Edwin* King of the *Northumbrians*, being perswaded by *Paulinus* to become a *Christian*, cum suis *P R I M A T I B U S* (i. e. *Magnatibus*) quos sapientiores noverat curavit conferre, quid de iis agendum arbitrarentur. So *Bede* II. 9. who in the 13th Chapter adds: *Quibus auditis, Rex suscipere quidem se fidem & velle & debere respondebat. Verum adhuc cum amicis principalibus & C O N S I L I A R I I S* suis sese de hoc collaturum esse dicebat, ut si & illi eadem cum illo sentire vellent, omnes pariter in fonte vitæ Christo consecrarentur. Et annuente *Paulino*, fecit ut dixerat. Habito enim cum *S A P I E N T I B U S C O N S I L I O*, sciscitabatur sigillatim ab omnibus, qualis sibi doctrinæ hæc eatinus inaudita, & novus *Dei* unitatis, qui prædicabatur cultus videretur. Cui primus *P O N T I F I C U M* ipsius, *Coisi* continuo respondit, &c.

An. 664. a Synod was called at a Monastery named *Streaneshalch* in the Kingdom of *Northumberland*. *Bede* III. 25. *Motâ ibi quæstione de Pascha vel Tonsurâ vel aliis rebus Ecclesiasticis, dispositum est ut in Monasterio, quod dicitur Streaneshalch, quod interpretatur sinus*

fari (cui tunc Hilda Abbatissa, Deo devota femina, præsuit) Synodus fieri, & hæc quæstio terminari deberet. Veneruntq; illò Reges ambo, Pater scil. (Oswi) & Filius (Alchfrid) Episcopi Colman cum Clericis suis de Scotia (i. e. Hiberniâ) Agilberchtus, cum Agathone & Wilfrido Presbyteris: Jacobus & Romanus in horum parte erant: Hilda Abbatissa cum suis in parte Scotorum: in quâ erat etiam venerabilis Episcopus Cedda jamdudum ordinatus à Scotis, qui & interpres in eo concilio vigilantissimus utriusq; partis extitit. Primusq; Rex Oswi, præmissâ præfatione, quod oporteret eos, qui uni Deo servirent, &c. jussit primo dicere Episcopum suum Colmannum, qui esset ritus, & unde originem ducens ille, quem ipse sequeretur, &c. — Quo hæc & his similia dicente, jussit Rex & Agilberhtum proferre in medium, morem suæ observationis unde initium haberet, &c. Respondit Agilberhtus: loquatur obsecro vice meâ, discipulus meus Wilfrid Presbyter. — Tum Wilfrid, jubente Rege ut diceret, ita exorsus est, &c.

The same Year, viz. 664. was dated the pretended Charter which King Wulfber granted the Abby of Medeshamsted, or Peterborough, subscribed by four Kings, King Wulfber's Brother and two Sisters, Archbishop Deusdedit, four Bishops, two Presbyters, the Abbot, and many great Men. It is extant in the Saxon Chron. ad An. 656. where we are also told, that the King founded it hortatu omnium suorum Optimatum, Clericorum, & Laicorum, qui in regno suo essent: and that at the Consecration of it he call'd together all the Thanes (or Barons) Bishops and Earls, omnesq; qui Deum diligenter.

An. 673. was held the Council of Herudford, under Archbishop Theodore; the Acts and Canons of which are thus recorded by Bede, 4. 5..

Egfridi anno regni 3. Theodorus cogit Concilium Episcoporum, unâ cum eis qui canonica patrum statuta diligenter & nossent, MAGISTRIS ECCLESIAE pluribus. Quibus pariter congregatis, diligenter ea quæ unitati pacis ecclesiasticæ congruerent, eo quo Pontificem decebat animo, cœpit observanda docere. Cujus Synodicæ actionis hujusmodi textus est.

In nomine Domini Dei, & Salvatoris nostri Jesu Christi, regnante in perpetuum ac gubernante Ecclesiam suam eodem Domino nostro Jesu Christo, placuit convenire nos juxta morem Canonum venerabilium, tractaturos de necessariis Ecclesiæ negotiis. Convenimus autem die 24 Mensis Sept. Indiēt. 1. in loco qui dicitur Heorutford (Hertford) Ego quidem Theodorus—& consacerdos ac frater noster rev. Bisi, Orientalium Anglorum Episcopus; quibus etiam frater & consacerdos noster Wilfridus Northanhymbrorum gentis Episcopus, per proprios legatarios affuit. Affuerunt & fratres ac consacerdotes nostri Putta, Episcopus Castelli Cantuariorum, quod dicitur Rosecester; Lutherius Episcopus Occidentalium Saxonum; Winfrid Episcopus provinciæ Merciorum. Cumq; in unum convenientes, juxta ordinem quiq; suum resedissemus: Rogo, inquam, dilectissimi fratres, propter timorem & amorem Redemptoris nostri, ut in commune omnes pro nostra fide tractemus: ut quæq; decreta ac definita sunt a sanctis ac probabilibus Patribus, incorrupte ab omnibus nobis serventur. Hæc & alia quam plura, quæ ad charitatem pertinebant unitatemq; Ecclesiæ conservandam, prosecutus sum. Cumq; expleissem prolocutionem, interrogavi unumquemq; eorum per ordinem si consentirent ea, quæ à patribus canonicè sunt antiquitus decreta, custodire. Ad quod omnes Consacerdotes nostri respondentes dixerunt: Optime omnibus placet, quæq; definierunt sanctorum Canones patrum, nos quoq; omnes alacri animo libentissime servare. Quibus statim protuli eundem librum Canonum, & ex eodem libro decem capitula, quæ per loca nota veram, quia maxime nobis necessaria sciebam, illis coram ostendi, & ut hæc diligentius

ligentius ab omnibus susciperentur, rogavi. Primum Capitulum, &c.—His itaq; capitulis in commune tractatis ac definitis, ut nullum deinceps ab aliquo nostrum oriatur contentionis scandalum, aut alia pro aliis divulgarentur, placuit ut quæq; definita sunt, unusquisq; nostrum manus propriæ subscriptione confirmaret. Quam sententiam definitionis nostræ titulo notario scribendam dictavi, actum in mense & Indict. superscriptâ. Quisquis igitur contra hanc sententiam, juxta decreta Canonum, nostra etiam consensione ac superscriptione manus nostræ confirmatam, quoquo modo venire, eamq; infringere tentaverit, noverit se ob omni officio sacerdotali, & nostra societate separatum. Divina nos gratia, in unitate sanctæ suæ Ecclesiæ viventes, custodiat incolumes.

Matthew of Westminster tells us, that there were present in that Synod Reges & Magnates universi. An Interpolator of the Saxon Chronicle, p. 38. (a) makes Winfred, Bishop of the Mercians to be deprived in that Synod: But that That was done by the Archbishop alone after the Synod was ended, is evident from Bede IV. 6.

The 7th Canon propos'd by the Archbishop was, That a Synod should meet twice a Year; but because (says he) diversæ causæ impediunt, placuit omnibus in commune, ut Kalendis Augusti, in loco qui appellatur Clōfeshooh, semel in anno congregemur. Clōfeshooh is now called Cliff.

Seven Years after, viz. 680. another Synod was held by the same Archbishop Theodore at Hethfeld (or Hatfeild) collecto venerabilium Sacerdotum doctorumq; plurimorum cœtu, says Bede 4. 17. who adds; cujus essent fidei singuli, sedulus inquirebat, omniumq;

(a) That it is an Interpolation, appears from its being out of its proper place, and from p. 40. 41.

unanimem in fide Catholicâ repperit consensum. In the Decree of the Synod none are mentioned besides Bishops. *In nomine Domini, &c.*—*Præsidente Theodoro gratiâ Dei Archiepiscopo Britanniae Insulae, & civitatis Deruvernis, una cum eo sedentibus ceteris Episcopis Britanniae Insulae, viris venerabilibus, præpositis sacrosanctis Evangeliiis, in loco qui Saxonico vocabulo Hæthfeld nominatur, pariter tractantes fidem rectam & orthodoxam exposuimus, &c.* It concludes thus : *Et nos omnes subscribimus, qui cum Theodoro Archiepiscopo fidem Catholicam exposuimus.* It appears from what Bede subjoins, that as there were others besides Bishops in the Synod, so they also subscribed to it. For he mentions one *John an Abbot*, who had been lately sent into *England* by *P. Agatho* to give him some Account of the Faith of the Church of *England*, that he likewise subscribed. *Intererat huic Synodo, pariterq; Catholicæ fidei decreta firmabat vir venerabilis Johannes, &c.* The *Saxon Chron. ad An. 680.* *Hoc anno indixit Theodorus Archiepiscopalem Synodum in Hæthfelde, &c.* In the *Saxon Charter* of the *Abby of Medeshamsted* (or *Peterborough*) it is said, that *P. Agatho* having granted that *Abby* a *Charter of Privileges*, the *King* commanded *Archbishop Theodore* to call a *Council* and a *Convention of wise Men* at *Heatfeld*; and that being there met together, they confirm'd the *Popes Decree*. But that *Charter* is nothing else but an idle and foolish *Forgery* of some *Monk* of that *Abby*; and the *Pope's Decree* contain'd in it, in which *Archbishop Theodore* is requir'd to convene a *Synod of all England*, for the confirmation of it, is notoriously spurious. It is extant not only in *Spelman*, but also in the (a) *Saxon Chronicle*, which seems to have been the *Work* of the *Monks* of that *Place*. It's pretended to be sign'd by the

(a) An. 675.

King, Archbishop *Theodore*, *Wilfrid* Archbishop of *York* (when at that time the Bishop of *York* was not an Archbishop) *Saxulfus* Bishop of *Mercia*, the Queen, *Adrian* the Popes Legat (when in those days there was no such thing as a Legat in England) 2 Bishops more, and the Abbot.

If we may believe (b) *Radulphus de Diceto*, there were present in the Council of *Hatfield* a Hundred Bishops, besides very many Doctors, with *Egfrid* King of the *Northumbrians*, *Edelred* King of the *Mercians*, *Aldulph*, or *Wlf*, King of the *Eastangles*, and *Clotarius* King of *Kent*. *Iste Theodorus Concilium coegit centum Episcoporum & Doctorum plurimorum, in loco qui dicitur Hatfield, &c.* One would wonder how so extravagant a Thought could come into his Head..

Giraldus Cambrensis (c) says, in more than one place that Archbishop *Theodore*; was the first Archbishop of *Cant.* that call'd a Council of the Bishops his Suffragans, and that he call'd two, which, says he, are mention'd by *Bede*; meaning these two of *Hertford* and *Hatfield*. The Synod of *Streaneschalch* above mention'd, which was call'd before *Theodore's* time, was not of all *England*, but only of the *Northumbrians*. But he should seem to have call'd more than two, even according to *Bede* himself. For in the life of *S. Cuthbert*, *Bede* says, that he was elected Bishop in a Synod, in which *Theodore* presided: cap. 24. *Nec multo post congregata Synodo non parva, sub præsentiâ piissimi ac deo dilecti Regis Egfridi, cui beatæ memoriæ Theodorus Archiepiscopus præsidebat, unanimo omnium consensu ad Episcopatum Ecclesiæ Lin-*

(b) De Archiepisc. Cant. (c) De jure & statu Menev. Ecclesiæ p. 518. 543.

disfarnensis electus est. But this too was no more than a particular Synod of the *Northumbrians*, tho' the Archbishop was present in it. *Bromton* (a) confounds it with that of *Hatfield*. In the *Saxon Chronicle*, we find that *S. Cuthbert* was consecrated by Archbishop *Theodore* at *York* on *Easterday*, 685. In the *Anonymous History* of that *Saint* which is extant among the *X. Scriptores*, it is said, that being chosen by *Theodore* Archbishop of *Y O R K*, and the common consent of all the *People*, and refusing to accept of the Bishoprick, *King Egfrid*, and the Archbishop, and all the *People*, congregata Synodo, decreed by common consent, that he should be forced to accept of it, whether he would or no: And that accordingly he was brought to *York*, and there consecrated by the Archbishop, in the presence of 6 other Bishops. In *King Egfrids Charter* (b) to the Church of *Lindisfarn*, the Synod in which *Cuthbert* was chosen Bishop, is said to have been held *juxta fluvium Alne*, in loco qui dicitur *Twiford*, *An. 685*. And in that Synod that Charter is pretended to be made *cum consilio Theodori Archiepiscopi & Trumwini, & totius Concilii*; subscribed by 7 Bishops besides the Archbishop, whereof two are *Cedde* and *Ceadda* above mention'd. *Trumwinus* is in the Subscriptions call'd Bishop of the *Picts*. But it is not likely that there were so many Bishops in that Synod, and the mentioning *Cedde* and *Ceadda* among 'em, who were dead before that time, shews the number to be a fiction: though I know it was usual in this Church, and even (if I am not mistaken) till the time of the Reformation, to summon all the Bishops of the Province to the Consecration of a Bishop.

(a) Col. 792. (b) Monast. Tom. i. p. 39. & 46.

About the year 680, there was another *Synod* call'd in the Kingdom of the Northumbrians, in Archbishop *Theodore's* time, wherein King *Egfrid* and all his Great Men, and the Clergy were present, to consider whether they should obey the Mandate, which *P. Agatho* and his *Roman Synod* had sent for the restoring *Wilfrid* Bishop of *York*, whom the Archbishop had deprived, to his Bishoprick. It is mention'd by *Heddius* in *Wilfrid's Life*, cap. 33. together with the result of it. *Deinde omnibus Principibus ibidem habitantibus, necnon servis Dei in locum Synodalem accersitis ad audienda salutifera consilia, ab Apostolicâ sede causâ pacis Ecclesiarum transmissâ. Postquam verò quædam difficilia sibi, & suæ voluntati contraria lecta audiverunt, contumaciter quidam ex eis respuerunt. — Tum vero jussione Regis & ejus Consiliatorum, cum consensu Episcoporum, qui ejus Episcopatum tenebant, in custodiam ducere, & novem menses sine ullo honore custodire censuerunt.* Neither this nor the former, is mention'd by *Sir H. Spelman*; as neither that which follows,

Mention'd in a *Charter* (a) which *Ethelred K.* of the *Mercians* is pretended to have granted the Monastery of *Malmesbury*, and said to be held, *juxta vadum* Bregforde, *An.* 686. *Jul.* 30. *Indict.* 13. The Subscribers to the Charter, are Archbishop *Theodore*, *K. Ethelred*, *Berthwald Subregulus*, *Kenfrith Patricius*, and two Bishops.

I pass by other Charters (b) pretended to be granted in that Century, viz. in 662, 666, 673, 680, 681, 682, 692, 699. as not deserving to be mention'd: In some of which Archbishop *Theodore* is

(a) Apud Malmesb. l. 5. de Pont. (b) Vide Monast. Tom. 1. p. 51. 76. 100. Tom. 2. p. 839. Tom. 3. 115, 116, 117.

among the *Subscribers*, as present in the Synods in which they were confirm'd.

Heddius in the *Life of Wilfrid Bishop of York*, cap. 44. mentions certain Canons made by Archbishop *Theodore*, after the beginning of that difference, which was between him and *Wilfrid*, which was after the Synod of *Hatfeild*: And others again made after them toward the end of his days. King *Alfrid* (says he) would have obliged Bishop *Wilfrid* to obey the commands and decrees of Archbishop *Theodore*, *non illa significans canonica instituta, quæ in principio Episcopatus sui apud nos degens, aut in novissimis temporibus vitæ suæ constituit, quando omnes Ecclesias nostras ad canonicam pacem unanimiter vocavit: Sed magis ea decreta, quæ mediis temporibus suis, quando discordia inter nos in Britannia exorta fuerat statuit.*

In a Charter (a) granted by King *Edward*, the Father of King *Ethelstan*, to the Church of *Winchester*, *An. 908*. I find a Canon ascribed to Archbishop *Theodore*, and a Synod call'd by him, which is not to be found among the Canons of the Synod of *Hertford*. *Præcipue dum beatæ memoriæ Theodorus hoc olim interdixerat nefas, ne scil. Episcoporum quispiam Christo collatam à catholicis possessionem pro quolibet munere temerarium dare vel accommodare præsumeret, præsumentem equidem Anathematis vinculo inretitum Synodali damnavit Concilio, & tam illicitum ac inconveniens datum, successores nullatenus stare permetterent jussit, ne pravo antecessorum consilio successores ad hanc deducerentur inopiam ut Christi pauperibus quid erogarent non haberent.* But the 3d Canon of the Synod of *Hertford* does very much resemble it: *Quæcunq; Monasteria Deo consecrata, nulli Episcoporum liceat ea in aliquo inquietare; nec quicquam de eorum rebus violenter abstrahere.*

(a) *Monast. Tom. i. p. 36.*

In the Council of Becanceld Anno 694. where there were Laws purely Ecclesiastical enacted, Withred King of Kent presided; and it consisted not only of Bishops and great Lords, but also of Abbots, Abbesses, Presbyters and Deacons. *In nomine Domini Dei nostri & Salvatoris Jesu Christi, congregatum est magnum Concilium in loco qui nominatur Becancelde. Presidente autem eodem Concilio Withredo clementissimo Rege Cantuariorum, necnon Bertuvaldo reverendissimo Archiepiscopo Britanniae, simulq; Tobia Episcopo Roffensis Ecclesiae, ceterisq; Abbatibus, Abbatissis, Presbyteris, Diaconibus, Ducibus, Satrapis in unum glomeratis: pariter tractantes, anxie examinantes de statu Ecclesiarum Dei vel Monasteriorum intra Cantiam, quae à fidelibus Regibus praedecessoribus meis & propinquis Deo omnipotenti in propriam hereditatem condonata fuerunt, quomodo vel qualiter secundum normam equitatis stare, quidve servare à modo & usq; finem seculi, constituimus. Ideo ego Withredus Rex, &c.* The Subscriptions are these:

Ego Withredus auxilio Christi his legibus constitutis pro Me & Werburga Regina: itemq; pro filio nostro Alirico subscripsi.

Ego Berthwald gratia Dei Archiepiscopus hiis legibus à nobis constitutis subscripsi.

Signum manus Ethelbarti pro se & fratre suo Eadberto.

Signum manus

[	Tobia Episcopi,	[	Eatfridi Presb.
[	Mildredæ Abbatisæ,	[	Botredi Episcopi.
[	Etheldridæ Abbatisæ,	[	Byssan,
[	Æte Abbatisæ,	[	Kynheri,
[	Wilnodæ Abbatisæ,	[	Aldulfi,
[	Herelwidæ Abbatisæ,	[	Walh,
[	Redempti, Presb.	[	Bonæ,
[	Eastwaldi Presb.		

In

In another Copy of the same Council it is said :
Withredus gloriosus Rex Cantiae cum reverendissimo Archiepiscopo Bithwald, praecepit congregari Concilium, &c.
 Chron. Sax. An. 694. *Ubi primum Rex esset jussit congregi magnum Concilium in locum qui dictus est Baccancelde, &c.*

The Ecclesiastical Laws of the Council of Berghamstede, which sate Anno 697. under Archbishop Bertwald, are call'd the Laws of King Withred, tho' they do not run in his Name. They were made not only by the Bishops, but also by the inferiour Clergy and Laity, *Hæc sunt Judicia Withredi Regis Cant. Anno 5. Mitissimi R. Cant. Witherædi Indict. 1. in loco qui vocatur Berghamstede die 6. mensis* — *Congregati sunt sacri Ordinis, viz. Birtwaldus summus Britanniae Pontifex & Regi intimus à consiliis, Gybmundus etiam Hæffensis Episcopus, necnon cæteri Ordines Ecclesiastici illius gentis : qui cum viris utiq; militaribus, humanissime & communi omnium assensu, has leges decrevere, Cantuariorumq; juribus & consuetudinibus prout sequitur addendas edixere, &c.*

Bede 5. 19. tells us, that *Aldhelmus*, Abbot of Malmesbury, who was afterwards made the first Bishop of Shirburn, was commanded by a Synod of his Nation (the Mercians) to write against the Britains concerning Easter. But of whom that Synod consisted, he does not say. Neither does he tell us, of whom that Synod consisted, by which it was enacted, that the Province of the South Saxons, till then belonging to the Bishoprick of Winchester, should be made a distinct Bishoprick of it self; which he relates in the same Chapter.

Anno 701. A Council was held by *Alfrid King* of the *Northumbrians*, and Archbishop *Berthwald*, in a Field call'd *Onestrefeld*, or *Estrefeld*. Wherein *Wilfrid Bishop* of *York*, who had been formerly depriv'd by Archbishop *Theodore*, and afterwards had been restored in a Council by King *Alfrid*, was again call'd to an account: Of which *Heddius* in his Life, has given a full Relation, c. 45. *Igitur Alfredo Rege, cum Sancto Berthwaldo Archiepiscopo, & totius pene Britanniae Episcopis, congregata Synodo, in campo qui dicitur O N E S T R E F E L D A*: In another place it is call'd *E S T R E F E L D A*. He mentions certain *Abbots* as acting in that Council. *Sed multae & magnae altercationum quaestiones ab eis exortae emerferunt, maxime ab illis Pontificibus Ecclesiarum, cum voluntate tamen Alfridi R. & consensu quorundam Abbatum, &c.* It is call'd by *Wilfrid*, in a Speech which he makes, cap. 51. a Senate. *Coram Senatu spondi.*

The Bishop refusing to stand to the Archbishop's Judgment, was deprived a second time by Him, with the King's Concurrence, as he had been before by Archbishop *Theodore*.

About the beginning of this Century were made the Laws of *Ina*, King of the *West Saxons*; most of which are purely Ecclesiastical. *Sir H. Spelman* in his Councils, places them to the year 692 but in his Glossary he says, King *Ina* began to reign An. 712, and died 727. Others say, he began to reign 689. died 728.

They were made by the King in a general Convention of all the great men, Bishops, Lords, Chief of the People, together with a great number of the inferiour Clergy; as appears from the Preamble. *Ego Ina Dei beneficio Occidunorum Saxorum Rex, suasu*

& instituto *Cenredi Patris mei*, Heddæ & Erkenwaldi *Episcoporum meorum*, omnium *Senatorum meorum*, & natu majorum sapientum populi mei, in magna fervorum Dei frequentia, religiose studebamus animorum nostrorum saluti, tum communi regni nostri conservationi, ut legitima nuptiarum fœdera, justaq; judicia per omnem ditionem nostram fundata stabilitaq; sint, atq; ut nulli liceat in posterum Senatori, sive alteri cuius in ditione nostrâ degenti, hæc nostra antiquare iudicia. Imprimis præcipimus, &c. By in magna fervorum Dei frequentia I understand the Monks or inferior Clergy. But they do not seem to be mention'd as voting there. For omnium *Senatorum meorum* & natu majorum sapientum populi mei, the ancient Translation has: & omnium *Aldermannorum meorum* & seniorum, & *Sapientum Regni mei*; or as it is in *Bromton's Chron. Seniorum Sapientum*.

In his Reign the Saxons and Britains are said to have begun to intermarry with one another, per commune consilium & assensum omnium *Episcoporum*, & *Principum*, *Procerum*, *Comitum*, & omnium *Sapientum*, *Seniorum*, & *Populorum totius regni* & per præceptum *Regis Inæ prædicti*. The Author that tells us this, is the Interpolator of King *Edward the Confessor's* 35th Law; but he a very fabulous one, and of no Authority.

The Description he gives us of King *Ina's* Parliament or *Witena Gemot*, he took out of those Words of his in the Preface to his Laws. And I take a false Reading in the same Preface to be the only Foundation of what he says concerning *Intermarriages* ordain'd by him. It is there said, that he had ordained legitima *NUPTIARUM fœdera*; and in *Bromton's* Translation it is, rectum *CONFUGIUM*: In the Saxon *Æw nuptiæ*. But 'tis well observed by (a) *Dr. Brady*, that for *Æw*, it ought to

(a) *Introduct. pag. 8.*

be read *Æ leges*. That this is the true Reading, appears both from the Sense it self, and because in his Laws there is no one at all for *Marriages*

Anno 705. a Synod was held near the River called *Nodd* †, omitted by Sir H. Spelman, but mention'd in a Charter granted by Bishop *Aldhelm* to the Monasteries of *Malmesbury*; *From*, and *Bradford*, extant in *Will. of Malmesbury's* 5 Book de Pont. *Nec multo post in sacrosancto Concilio, quod juxta fluvium qui dicitur Nodd, congregatum esse dignoscitur, idem omnis Saxonice gentis Archimandritarum, cum Regalis potentatus assensu, & Pontificalis prioratus nutu, consensit Auctoritas.* This Charter is dated Anno 705. *Indict. 3.*

The Reader may observe from divers Instances, that in those Days they often held their Councils in open *Fields*, and upon the Bank of some *River*, for the conveniency of Water. Which Custom continued even to the time of King *John*, in whose 17th Year a famous Parliament was held in a *Meadow* between *Staines* and *Windſor*, called *Runemed*, corruptly *Runningmead*, alias *Runemeid*, *Rennemed*, *Rendmed*, *Redmede*; which signifies the *Mead of Counsel*, or of the *Council*; as it's thought, from the *Saxon Word Rædan, consulere.* *Matt. Westm. ad An. 1215. 17 Joh. In Prato quod dicitur Runemed, quod interpretatum Pratum Consilii, eo quod ab antiquis temporibus ibi de pace regni sæpius Consilia tractabantur.*

They likewise affected to hold their Councils, as in the open *Field*, and near some *River*, so under some very great *Oak*; partly, I suppose, for *Shade*, and partly perhaps through a kind of *Su-*

† Now *Adderbourn*; called *Noddre*, and *Nodderus fluvius*, in a Charter of King *Athelstan's*, *Monast. Tom. 2. p. 839.*
perstition

perflition derived down to 'em from the *Druides*, who always met under *Oaks*; from whence (some fay) they had their Name. So *Augustin* the first Archbishop of *Canterbury* met the *British* Bishops under an *Oak* in *Worcestershire*, which was therefore call'd, as *Bede* tells us, *Augustine's Oak*. And *Barkshire* has its Name, quasi *Bare-Oak-shire*, from a great old and dead *Oak* in the Forest of *Windfor*, where they used to hold their Provincial Councils. So *Higden*(a): *Barochshire, quæ sic denominatur à quâdam nudâ quercu in Forestâ de Windesforâ, ad quam solebant Provinciales convenire in tractatibus habendis*. And *Bromton* (b) says the same more than once. I do not believe they affected to meet under a bare or dead *Oak*: But they continued to meet under it, because anciently, when it was large and flourishing, it had been the Custom to do so. *Aclea*, the Name of a Place in the Bishoprick of *Durham*, where we find a *Synod* once held, signifies the *Oak in the Field*, in campo *QUERCUS*, as (c) *Simeon Dunelmensis* tells us.

The same Year, viz. 705. a *Synod* was summon'd by Archbishop *Berthwald*, according to the Pope's Command, to examine Bishop *Wilfrid's* Case, near the River *Idis*; in which were present, besides Bishops, the young King *Osred* (Son to King *Alfrid*, and Successor to *Eadwulf*) and his great Lords, together with the *Abbots*, and the *Abbesse Elfleda*, who acted and spoke in it as well as the rest. Sir *H. Spelman* has given us the Acts of that Council out of *Malmesbury*. I shall transcribe 'em, as much as concerns my purpose, more fully and authentickly out of *Heddius*, whom *Malmesbury* follows.

(a) Lib. 1. (b) Chron. col. 956. & 801. (c) An. 951.

In primo Anno Osfredi R. Berthvaldus Cantuariorum Ecclesie & pene totius Britanniae Archiepiscopus de Austro veniens, habens ex præcepto Apostolicæ sedis Aquilonalium Regem cum omnibus Episcopis suis, & Abbatibus, & totius regni ejus Principibus, ad Synodalem locum de causâ B. Wilfridi Episcopi diligenter invitare; & ita factum est. Nam in unum locum juxta fluvium Rivo ab Oriente congregati Rex cum suis, & tres Episcopi ejus cum Abbatibus, necnon & beata Ælfleda Abbâtissa, semper totius provinciæ consolatrix, optimaq; consiliatrix; Berchtvaldus quoq; Archiepiscopus & Wilfridus Episcopus simul in una die advenērunt. Deinde sedentibus Rege & Episcopis cum Principibus eorum in loco Synodali, tali modo Archiepiscopus loqui incipiebat. He tells them, that he and Wilfrid had receiv'd Letters from the Pope, which he desired might be there read. Quibus venerabiles Domini licentiam dederunt, & coram Synodo omnibus audientibus utriusq; libri à principio usq; ad finem legebantur. Post lectionem autem cunctis tacentibus Berectfridus, secundus à Rege Princeps, ad Archiepiscopum dixit: Nos qui interpretatione indigemus, quid Apostolica auctoritas dicat, audire delectat. Et respondit ei Archiepiscopus dicens. He tells him, that the Pope required the Bishops, if they would nobe reconciled to Wilfrid, to come together with him to Rome, to have the Cause tried there. And if any one refused to do either, if it were the King, or a Layman, he was to be excommunicated; if a Bishop or Presbyter, to be deprived. Episcopi vero resistentes dixerunt: quod prædecessores nostri olim, Theodus Archiepiscopus ab Apostolicâ sede emissus, & Ecfridus Rex censuerunt, & postea in campo, qui Estrefeld dicitur, unâ nobiscum pene totius Britanniae Episcopi, suaq; Archiepiscopali præsentia excellentissima, cum Rege Alfiido judicavimus, quomodo immutare quis valeat? Interea autem beatissima Ælfleda Abbâtissa benedicto ore suo dixit: Vere in Christo dico testamētum

mentum Alfridi Regis in ea infirmitate, quâ vitam finivit, qui votum vovit Deo & Sancto Petro dicens: Si vixero, omnia judicia Apostolicæ sedis quæ antea renui audire, de beato Episcopo Wilfrido implebo. Si tamen diem obiero, dicite tamen hæredi meo in nomine Domini, ut pro remedio animæ meæ judicium de Wilfrido Episcopo Apostolicum repleat. Hæc ea loquente, Berechtfridus, Præfatus Regis Princeps, respondens dixit. Hæc est voluntas Regis & Principum ejus, ut mandatis Apostolicæ Sedis, & præceptis Alfridi R. in omnibus obediamus, &c. — Postquam hæc verba finita sunt, Episcopi sibi mutuo separati ab aliis, inire consilium cæperunt; aliquando cum eis Archiepiscopus, aliquando verò sapientissima virgo Elfleda: & hujus sancti Concilii talis finis extitit, ut omnes Episcopi & Rex cum suis Optimatibus puræ pacis concordiam cum S. Wilfrido Episcopo inierint, quam inter se usq; ad finem vitæ conservaverunt, reddentes ei duo optima Cænobia, quæ in HRypis & in Hagustaldefe, cum omnibus redditibus suis. Et illâ die omnes Episcopi se invicem osculantes & amplexantes, panemq; frangentes communicaverunt: & gratias agentes Deo omnis hujus Beatitudinis, in pace Christi ad sua loca remearunt

The † Story concerning a Council call'd at London by Boniface the Pope's Legat, with the consent of Archbishop Berthwald, in which Egwin Bishop of Worcester gave his Lands to the Abby of Evesham, cum consensu principum totius Angliæ, I reject as a meer Fable, together with the Charters relating to it.

As I likewise do, what is said concerning a Synod (b) call'd at Alne, in which the same Bishop's Donations of the Abby of Evesham are said to have been confirmed.

† Spelman, Tom. I. p. 208, &c. & 216, &c. (b) Ibid. p. 215

About the Year 709. the Roman Passover and Tonsure were established in the Kingdom of the Picts by the Authority of King Naitan. Bede 5. 22. *Hæc Epistola (Abbatis Ceolfrid, Angli) cum præsentē Rege Naitano multisq; viris doctioribus esset lecta, ac diligenter ab his qui intelligere poterant in linguam ejus propriam interpretata, multum de ejus exhortatione gavisus esse perhibetur, ita ut surgens de medio optimatum suorum confessu genua flecteret in terram, &c.*—Unde palam profiteor, vobisq; qui assidetis præsentibus protestor, quia hoc observare tempus Paschæ cum universâ meâ gente perpetuò volo, & hanc accipere debere tonsuram——omnes qui in meo regno sunt clericos decerno. Nec mora, quæ dixerat, regiâ autoritate perfecit, &c.

About the Year 738. was held a Synod, not mention'd by Sir H. Spelman, in which a Cause was heard and determined relating to the Nunnery of Wudiandun in Worcestershire; mention'd in a Register (a) of the Church of Worcester: *Quo tandem omni negotio ad sanctum sacerdotalis Concilii Synodum perlato, decrevit omne venerabile Concilium, cum reverentissimo Archiepiscopo Nothelmo, hanc cartulam donationis——præfatæ Abbatissæ reddi, ejusq; possessionem Monasterii firmissimam esse, damnato nimirum eo, atq; anathematizato Synodi sacratissimæ decreto, qui cartam illam——subripere præsumpserit. Atq; hoc decernit sacra Synodus, ut, &c.* The Decree of the Synod is subscribed by Archbishop Nothelm, and 9 other Bishops. Nothelm was made Archbishop in 735. died 739.

In the great Council of Cloveshoe, which was held under Archbishop Cuthbert Annò 747. and in

(a) Ap. Monasticon, Tom. 1. p. 121.

which there were many *Canons* made, there were present, as the *Acts* of it testifie, *Ædilbald* King of the *Mercians*, *cum suis Principibus ac Ducibus*, as also many of the inferiour Clergy. *Cum igitur ex diversis Britanniae provinciis sacri ordinis præfati Præsules, cum plurimis sacerdotibus Domini, & minoribus quoq; Ecclesiastici gradus dignitatibus, ad locum Synodalem cum prædicto venerabili Archiepiscopo Cudberto convenerunt, & de unitate Ecclesiae ac statu Christianae Religionis, & concordia pacis tractanda, confirmandaq; pariter confederunt, &c.* But the decreeing part seems to be attributed to the *Bishops* only. *Ipsi Præsules, qui ceteris magisterii loco à Deo prælati sunt, ad seipsos verba mutuae exhortationis verterunt.*——*Atq, deinde primo suorum loco decretorum, hoc ratâ sanctione condixerunt, &c.*

It is not another, but the very same Council of *Cloveshoe*, which *Sir H. Spelman* has placed to the Year 742. in which, as *Jocelin* says, *Æthelbald* (i. e. *Ædilbald*) King of the *Mercians* presided, with Archbishop *Cuthbert*, the rest of the *Bishops* sitting with 'em. That which he adds concerning the Privileges of the Monasteries of *Kent* being therein confirmed, I take to be nothing but a Fiction of the Monks. That *Jocelin* makes that Council to be call'd in the Year 742. is not to be wonder'd at, since Authors so much differ concerning the time of that above mentioned, some placing it under the Year 744. And as *Sir Henry* elsewhere observes, among Authors that write of these Ages, the difference of a few Years is but a small matter. It is placed to the Year 742. by the Author likewise of the *Saxon Chron.* who calls it the Great Synod of *Cloveshou*, where were present *Athelbald* King of the *Mercians*, Archbishop *Cutberth*, and many other prudent Men.

The *Centuriators* (a) tell us, quoting for it an Epistle of Archbishop Cuthbert to *Lullus*, that in a General Synod He & alii sacerdotes, Presbyteri, & Abbates, decreed among other things, that the Memory of our Boniface Archbishop of Mentz, and of the rest that were Martyr'd with him, should be solemnly celebrated every year. Boniface was Martyr'd An. 754.

In the Life of that Archbishop (*Boniface*) which is extant in (b) *Surius*, there is mention made of an English Synod held in the time of Archbishop Berthwald, not mention'd by Sir H. Spelman. *Per id tempus regnante in occidentali Angliæ regione Saxonum rege, novus extitit tumultus, cujus compescendi causâ jam dicti Regis jussu & Procerum ejus consilio Synodus servorum Dei indicta est: Ad quam cunctis confluentibus, & controversiam nuper ortam dirimentibus, visum est sapientibus quibusdam, ut quæ illic definita essent, ea omnia ad Berethuualdi vel Brichtuualdi Cant. Archiepiscopi notitiam perferrentur. Placuit idem etiam Clero omni & Laicis permultis: Sciscitabatur autem Rex, quisnam hujus rei cumprimis idoneus legatus videretur., &c* Boniface being recommended to him for that Office, perform'd it so well, that, as my Author adds, he grew so famous both among the Clergy and Laity, *ut deinceps sæpissime rogatus sit, ut se in ipsorum Synodis præsentem exhiberet.* That Council seems to have been held about the year 700. For its intimated, that it was a little after S. Boniface was ordain'd Priest in the 30 year of his Age. Others mention that Boniface accompanied Abbot Wigbert, or Winbert, to a Synod held by Archbishop Berthwald at that time.

Kinewlf King of the West-Saxons writes to *Lullus*

(a) Cent. VIII. c. 9. (b) Jun. p. 576.

Bishop of Mentz, (a) concerning matters of Religion, *una cum Episcopis meis, necnon cum catervâ Sâtraparum.*

In the Synod of Calcbuth, which was held An. Chr. 787. by two Legates sent hither by the Pope, in the time of Archbishop Jambert, there are the Subscriptions not only of Kings, Bishops, Abbots, Dukes, and Counts, but also of common Presbyters and Deacons. Gregory Bishop of Ostium, the first Legat, tells the Pope, that when first they came into England, *convenerunt in unum concilium Offa Rex Merciorum, & Chuniulphus West-Saxonum: Cui etiam tradidimus vestra syngrammata sancta; ac illi continuo promiserunt, se de his vitiis corrigendos. Tunc inito consilio cum prædictis Regibus, Pontificibus, & senioribus terræ, perpendentes quod angulus ille longe latèque protenditur: permisimus Theophylactum venerabilem Episcopum (ex Legatis alterum) Regem Merciorum & Britannicæ partes adire. Ego autem perrexi in regionem Northanymbrorum ad Oswaldum R. & Archiepiscopum sanctæ Ecclesiæ Eboracæ civitatis Eanbaldum. Sed quia præfatus Rex longe in Borealibus commorabatur, misit jam dictus Archiepiscopus missos suos ad Regem qui continuè omni gaudio statuit diem Concilii: Ad quem convenerunt omnes principes regionis, tam Ecclesiastici quam seculares. After the Decrees, which he there proposed to 'em, he subjoins: Hæc decreta, beatissime Papa Hadriane, in Concilio publico coram Rege Ælfwaldo (seu Alfwoldo, Oswaldo) & Archiepiscopo Eanbaldo, & omnibus Episcopis, & Abbatibus regionis, seu (&) Senatoribus, & Ducibus, & Populo terræ proposuimus, & illi—cum omni devotione mentis juxta possibilitatem virium suarum, adjuvante superna clementia, se in omnibus custodire devoverunt: Et signo sanctæ Crucis in vice vestrâ, in manu nostra confirmaverunt: Ut*

(a) Bonifac. Mogunt. Epist. 112.

postea stylo diligenti in chartâ hujus pagine exaraverunt, signum Sanctæ Crucis insigentes.

After the Subscriptions of the King, Archbishop, Bishops, and one that styles himself *Patricius*, this follows: *His quoque saluberrimis admonitionibus Presbyteri, Diaconi Ecclesiarum, & Abbates Monasteriorum, Judices, Optimates, & Nobiles, unopere, uno ore consentimus & subscripsimus.* Then follow the particular Subscriptions of 2 Dukes, and as many Abbots.

His peractis, & datâ benedictione, perreximus, assumptis nobiscum viris illustribus, legatis Regis & Archiepiscopi, Maluinum, viz. & Pyttel Lectores: Qui una nobiscum pergentes & ipsa decreta secum deferentes in Concilium Merciorum, ubi gloriosus Rex Offa cum Senatoribus terræ, una cum Archiepiscopo Jaenberchto (Jamberto, aliis Lamberto) sanctæ Ecclesiæ Dorovernensis, & cæteris Episcopis regionum convenerat, & in conspectu Concilii clarâ voce singula capitula perlecta sunt, tam Latine quam Teutonice.—Tam Rex, quam Principes sui, (&) Archiepiscopus cum sociis suis in manu nostrâ, in vice Dominii vestri, signum sanctæ Crucis firmaverunt, &c. The Persons that there subscribe, are, first the Archbishop, then the King, then 12 Bishops, then 4 Abbots, and last of all 3 Dukes, and a Count.

The Legat in the 10th Canon, says, that he saw here *Episcopos in Conciliis suis secularia judicare*: Which he forbids 'em to do.

It's call'd in the *Saxon Chron. an. 685. the Litigious Synod of Cealchythe*, because, as the Author believ'd, and some others too say, the Archbishoprick of Cant. was in that Synod divided into two Archbishopricks.

There is extant a (a) Charter pretended to be

granted by King *Offa* to the Monks of *S. Albans* An. 793. *cum omni consensu SYNODALI—in loco celebri qui dicitur Celchyth*: Subscribed by nine Kings besides *Offa* himself and his Son; 2 Archbishops, 13 Bishops, and 10 Dukes. I doubt not but the Forger of it, meant the *Synod* now mention'd. The Author of the Life of *S. Alban* seems to intimate, that King *Offa* call'd a Council at *Verulam* on purpose to confirm the Charter. *Congregato apud Verulamium Episcoporum & Optimatum suorum Concilio*. But there is another (a) Charter pretended to be granted to the same Monastery by King *Offa* two years after, in loco qui dicitur *Beranford*, in which he grants 'em an Exemption, *consentientibus Episcopis meis, & Abbatibus, Ducibus, ac Principibus*. Subscribed by Him, and his Son, the Archbishop, 3 Bishops, 4 Abbots, a Patriarch, a Prince, 11 Dukes.

An. 787, (or 788.) was a Synod at *Fincenbale* or *Finchale*, in the Bishoprick of *Durham*, *præsidente Archiepiscopo, cum suis suffraganeis Episcopis, & multis aliis*, says *Westminster*. The *Chronicle of Mailros* calls the place *Pincabale*, and places the Synod to the year 787. So does *Simeon Dunelmensis*, and he calls the place *Pincabala*. The *Saxon Chronicle* places it to the year 788. IV. Non. Septemb. and calls the place *Pincanbale*.

The next year was another Synod at *Acle*, in the same Bishoprick of *Durham*; But what was done in either is unknown. The *Saxon Chronicle* places it to the year 789. others to 788.

An. 793. A Provincial Council at *Verulam* under *Humbert*, Archbishop of *Lichfeild*, or of the *Mercians*: For at that time *England* was divided into 3 Archbishopricks. *Rex Offa* (says my (b) Author) *ibidem provinciale tenuit Concilium, cum Archiepiscopo Humber-*

(a) Ibid. p. 178. (b) Ap. Spelman.

to, suis suffraganeis, & Primatibus suis universis: Ut tractet diligenter & efficaciter de conventu Monachorum in loco illo congregando, atque Cænobio construendo, & magnifice & regaliter privilegiando, ubi Protomartyris regni sui, imo totius Britanniae vel Angliae, reliquias invenit, & quem locum suo sanguine consecravit. By Primatibus he means Principibus, as the word is often used.

An. 798, or 799. a Synod at Phincanhale (or Pincanhale, Fincenhale, or Finchale) in the Bishoprick of Durham ! Præsidente Eanbaldo Archiepiscopo, aliisque quamplurimis principalibus, & Ecclesiasticis viris, says Hoveden. They treated in it de utilitate sanctæ Dei Ecclesiæ, gentisque Northanhimbrorum, omniumque provinciarum, & de observatione Paschalis festi, &c. Simeon Dunelmensis: Eodem an. (798.) qui est annus 3 Cenulfi R. Synodo congregata in loco qui appellatur Pincanhalth præsidente Eanbaldo Archiepiscopo aliisque quamplurimis principalibus & Ecclesiasticis viris, &c. This is likewise mention'd, as distinct from the other, by the Chronicle of Mailros, which agrees with Dunelmensis in the year, but calls the place Pinkenbalthe. I suspect it to be the same with that above mention'd, though the Chronicle of Mailros mentions'em both as distinct, placing this to the year 798. and calling the place Pinkenbalthe.

An. 798. A Council at Becanceld; præsidente Cenulfo Rege, necnon reverendis Archiepiscopo Athelardo, cum Episcopis, Abbatibus, & multis aliis idoneis personis. Tunc idem ven. pater & Primas totius Britanniae Athelardus, sic exorsus est. Ego Athelardus Dei gr. humilis sanctæ Dorobernensis Ecclesiæ Archiepiscopus, unanimo consilio totius sanctæ synodi in nomine Dei omnipotentis, & per ejus tremendum judicium præcipio, sicut ego mandatum a Domino Apostolico Leone Papâ recepi, ut ex hoc tempore nunquam temerario ausu super hæreditatem Domini, i.e. Ecclesias, Laici præsumant secular-

res.—*Hæc sunt nomina sanctorum Episcoporum, & Abbatum, qui cum totius sanctæ Synodi consensu, pro confirmatione prædictæ rei signum sanctæ Crucis subscripserunt.* First subscribe the Archbishop and 14 Bishops, then an Abbot, after him 3 Bishops more, then another Abbot, and last of all an Archdeacon.

The Saxon Chron. places it *ad An. 696.* where it says thus of it: *Æthelardus Archiep. de Cantwerveri indixit Synodum, ac stabilivit & confirmavit, mandato P. Leonis, omnia Dei Ecclesias spectantia, quæ fuerant constituta Whitgari diebus, & sic dixit: Ego Athelardus, &c. cum unanimi consensu totius Synodi, & totius congregationis omnium Monastericorum, &c.* It mentions 12 Bishops, and 23 Abbots subscribers, no Archdeacon. *Ego Athelardus Archiep. cum 12 Episcopis, & cum 23 Abbatibus, hoc ipsum cum signo Crucis Christi confirmo atque stabilio.*

Circa *An. 800.* A Provincial Council at Cloveshoe, chiefly concerning the Estates of the Church. *Regnante in perpetuum Deo & Domino nostro Jesu Christo; Ego Athellardus larga omnipotentis gratiâ Dei annuente Dorobernensis Ecclesiæ Metropolitanus, cum præstantissimo Rege nostro Cenulfo, convocans universos provinciales Episcopos nostros, Duces, & Abbates, & cujuscunque, dignitatis viros ad Synodale concilium in locum qui vocatur Clovesho. Ibi sollicito ab eis scrutinio quæservimus qualiter apud eos fides Catholica haberetur, &c.*

The Archbishop there mentions another Synod held in the same place a little before, concerning the same matters. *Secundo anno regni Cenulfi (i. e. 798.) facta est Synodus apud Clovesho: At ego Athelardus g. d. Dorobernensis Arch. & Cuba Primicerius mecum, & multi alii ex illâ Ecclesiâ Christi sapientes, libellos præfati Cænobii Cotham, in Concilium detulimus.—Tunc autem placuit mihi Athellardo d. g. Archisacerdoti, & Cynedrichæ Abbatissæ quæ eodem tempore*

tempore ſæpedito Cænobio præfuit, ac Senioribus ex utraq; parte Cantii, ſcil. a Bedeford ad hoc ibidem congregatis, &c.

Charters granted, or pretended to be granted in the 8th Gen. (*beſides thoſe already mention'd.*)

BY *Withred* King of *Kent*, which is ſaid to be the firſt that was ever granted in *Writing*, and to have been laid up by the Kings Command in the Archives of *Cant.* as an *Exemplar* to be follow'd by all ſuch as thought fit to endow any Church.

Two Charters (*a*) I have ſeen attributed to King *Withred*; one granted to the Abbeſs *Eabba*, in which are theſe words: *Ad cujus cumulum & affirmationis ceſpitem hujus ſupradictæ terræ ſuper ſanctum altare poſui, & propriâ manu pro ignorantia literarum ſignum ſanctæ Crucis in hac cartulâ expreſſi, ſed & Kyngytha id ipſum fecit, Principesque meos, ut pari modo propriis manibus faſſerent rogavi, &c.*

Another, whereby he declares all the Churches within his Dominion free from all Taxes, *cum conſenſu Principum meorum*. The Subſcriptions thus: *Ad cujus cumulum firmitatis, manu propriâ ſignum ſanctæ Crucis expreſſi: Et tam reverentiſſimum Brythwaldum Archiepiſcopum, atque Semundum ſanctiſſimum Episcopum, quam etiam venerabiles PRESBYTEROS & religioſos Abbates præſentibus etiam clariſſimis AB-BATISSIS, hoc eſt, Hermehildâ, Irninbergâ, & Atabâ reverendâ, ut ſubſcriberent rogavi. Actum die 6 Apr. regni noſtri 8. Indic. 12. in loco qui appellatur Cil-*

(*a*) *Ap. Spelman. p. 192, 198.*

ling, &c. *Jo. Tinnuthensis* (a) says the King did this in *generali Concilio suo*.

By King *Ina*, to the Abby of *Glaſtingaburghe* (*Glaſtenbury*) An. 702. Sign'd by the King, Archbishop *Beorthwald*, and Bishop *Hedda*, *sub testimonio multorum*.

To the ſame Monks (b) of *Glaſtingay*, An. 704. *decreto & conſilio præſulis noſtri Aldelmi, ſimulq; cuncto- rum Dei ſacerdotum ſuggeſtione, & Monachorum petiti- one.*—*Pro ampliori firmitatis teſtamento, Principes, & Senatores, Judices, & Patricios ſubſcribere fecimus. Actum publice & confirmatum in lignea basilicâ.* I find the ſame in *Malmesbury*, *De antiq. Glaſton: Eccleſiæ*, and *agen* in *lib. 5. de Pont.* in which laſt place in- ſtead of *in lignea basilicâ*, it is, *in loco qui appellatur Eburleagh* (*Everly* in *Wiltſhire*.)

Agen to the Abby of *Glaſtingaburghe*, (c) An. 705. Sign'd only by the King and Archbishop.

Agen to the ſame, (d) by the Name of *Glaſteie* An. 725. *cum conſilio Sexburgæ Reginæ & licentiâ Be- orthwaldi Dorobern. Eccleſiæ Pont. & omnium ſuf- fraganeorum ſuorum, necnon etiam hortatu Baldre- di & Athelardi Subregulorum*—*conſentientibus eti- am omnibus Britanniæ Regibus, Archiepiſcopis, Episco- pis, Ducibus, atq; Abbatibus.* Subſcribed by the K. the Queen, King *Baldred*, the Queens Brother, the Archbishop, 2 Bishops, 2 *Præfects*, an Earl, *cum præſentiâ POPULATIONIS*. But thoſe words are not in *Malmesbury*. It pretends to confirm their ex- emption from the Bishops Jurisdiction. Neither do the years of *our Lord*, and the *Indiction* agree.

Agen to the ſame, (e) by the name of *Glaſtin- buri* An. 725. *cum conſcientiâ ac conſenſu venerandi Pontificis Fortheres—præſentium teſtium infra ſubjectis annotationibus, &c.*

(a) *Vita S. Bregwini Archiep.* (b) *Ibid. Tom. 1. p. 12.*
 (c) *Ibid. Tom. 2. p. 838.* (d) *Ibid. Tom. 1. p. 14 & apud Malmesb. de antiq. Glaſton. Eccl.* (e) *Tom. 2. p. 840.*

Another † spurious Charter of the same King *Ina*, to the same Abby, bears date 663. subscribed by Bishop *Hiddi*, K. *Ealdred*, K. *Athelbald*, and Bishop *Herewald*.

By *Cenulf* King of the *Mercians* (a), to the same Abby *An. 707. confirmatione Episcoporum ejus & Principum*: Subscribed by the King, the two Archbishops, 9 Bishops, 12 Abbots, 6 Princes.

By *Aldulf* (b) Duke of the South-Saxons to Bishop *Wethun An. 711. cum concessu & licentiâ Offæ Regis Anglorum*—*in monte qui vocatur Biohtthandoune cunctis astipulantibus & confirmantibus.*

By *Numa* King of the South-Saxons (c), to the Monks of *Selesey An. 714. coram reverendissimo Collan, necnon & Abbatibus Comitibusq; meis congregatis.* Subscrib'd by King *Athelstan* and Queen *Edelred*.

To the Monks of *Selesey* (d), *An. 775.* Subscribed by the King, the Bishop, then by *Ina*, and two other Kings.

By *Ethelbald* (e) King of the *Mercians*, to the Abby of *Croyland, An. 716.* Signed by the King, the Archbishop, 4 Bishops, 2 Abbots, 3 Lords, and 1 Presbyter. But he intimates, that he was call'd in only on that occasion to be a Witness: *Ego Ingulphus Presbyter & humilis minister vocatus audiui.*

To one *Cyniberht, An. 730.* Subscribed by the King, 2 Bishops, one that styles himself *Subregulus atq; Comes Regis*, an Abbot, a Duke the King's Brother, an Earl, 7 others whose Titles are not express'd. Publish'd by Mr. *Selden* (f) out of the Original.

† Ibid. (a) Ap. Malmesb. antiq. Glaston. Eccl. (b) Ibid. Tom. 3. p. 117. (c) Ibid. p. 116. (d) Ibid. p. 117. Ibid. p. 116. the same King *Numa* subscribes to a Charter dated 692. (e) Ap. Ingulphum. (f) Titles of Hon. p. 606.

To the Monastery (a) of *Sture*, *Anno* 736. Subscribed by the King, two Bishops, a *Subregulus atq; Comes Regis*, an Abbot, a Duke the King's Brother, 8 others, of whom one an *Earl*.

By *Lulla* (b) to the Abby of *Glastingaburgh*, *An.* 744. Subscribed by King *Ethelbald*, a Bishop, and 5 others.

By *Cutbred* King of the *Gewisi* or *West-Saxons* (c), to the same, *Anno* 744. subscribed by the King, a Bishop, & *aliis multis Nobilibus*.

To the Monastery (d) of *Malmesbury* *an.* 745: *cum consensu atq; scientiâ eximii Præsulis Danielis Optimatumq; meorum & Dignitatum*.

By *Kinewlf* (e), K. of the *West-Saxons*, to the same Monastery *an.* 758. *cum consensu Principum meorum*.

To the Church of *Wells*, (f) *an.* 796. *cum consensu Episcoporum atq; satraparum meorum*. Subscribed by the K. and 2 Bishops only.

By *Sigered*, or *Sigiraed*, K. of *Kent*, to the Monks of *Rocheſter* (g), *an.* 762. Subscribed by K. *Sigiraed*, and by *Eadberht* K. of *Kent*, the Archbishop an Abbot, and 8 others.

To the same (h): Subscribed by the K. the Archbishop, 3 Abbots, a *Presbyter*, an *Earl* and *Prefect*, and 4 others.

By *Eadberht* K. of *Kent* (i), to the same: Subscribed by the K. and 7 others; who all, and the K. himself say, that they made their *Comites* too to subscribe.

(a) *Monast. Tom.* 1. p. 121. (b) *Ibid.* *Tom.* 2. p. 844.

(c) *Ap. Malmesb. de Antiq. Glaston. Eccl.* (d) *Malmessb. l.* 5. de Pont. (e) *Ibid.* (f) *Monast. Tom.* 1. p. 186. (g) *Ibid.* p. 28. (h) *Ibid.* p. 29. (i) *Ibid.* p. 27.

By *Offa* K. of the Mercians (a) to the same, an. 764. *cum consensu & licentiâ Archiepiscopi nostri Brengouvini atq; Headberhti R. Cantiae & Principum nostrorum.* Subscribed by the K. the Archbishop, K. *Hearberht*, one Abbot, 13 others.

To the Monks of *Croyland* (b) an. 793. Subscribed by the K. the Archbishop, 3 Bishops, an *Abbot*, an *Abbesse*, an *Earl*, and the King's *Presbyter*.

To the Church of *Worcester* (c) an. 780. Sign'd by the K. the Queen, the Archbishop, 3 Bishops, a *Prince*, a *Duke*, then another *Prince*, and a *Duke*.

To the same (d), the same Year at *Wiganford*: Subscribed in the same manner.

To the Monks of *Westbury* (e), *cum consensu & consiliis Pontificum & Senatorum meorum.* Subscribed by the K. the Archbishop, 2 Bishops, a *Patricius*, 4 Abbots, a *Prince*, 7 *Dukes*.

By K. *Edmund* to the Church of *Selesey* (f) an. 770. Subscribed by the K. the Archbishop, 3 Bishops, and 5 or 6 *Dukes*.

Another of his (g) to the same Church bears date 662.

By *Oslac* (h) Duke of the South-Saxons, to the same Church an. 780. Subscribed by him, the Bishop, one other, and then by *omnis Dignitas*, last of all by K. *Offa*.

By Duke *Bertoald* (i) to the Monastery of St. *Dennis* in France, an. 792. (*quo cæpit Offa Rex regnare*;) Subscribed by him, his Brother, 2 Earls, 4 others, the *Chancellor*, and a *Monk*.

By *Egferthe* (k) K. of the Mercians, to the Monks of *Malmesbury*, an. 796. *cum concilio Episcoporum ac Principum meorum.*

(a) Ibid. p. 28. (b) Ap. Ingulph. (c) Monast. Tom. 1. p. 122 (d) Ibid. (e) Ibid. p. 126. (f) Ibid. Tom. 3. p. 117. (g) Ibid. (h) Ibid p. 116. (i) Ibid. Tom. 2. 965. (k) Malmesb. l. 5. de Pont.

By the the *Virgin Nothgide* (a) to the Monks of *Selesey*, sign'd by K. *Offa* and 2 other Kings, 2 Bishops, and 2 Dukes, in *villâ quæ dicitur Deaniton*.

By *Ethelbert* (b) King of the *South-Saxons*: Subscribed by the K. a Bishop, 2 others, and then by K. *Offa*, and the *Queen*.

The Synods and Councils of the Ninth Century.

THE Epistle which *Kenelphus* K. of *Mercia* sent Pope *Leo III.* about the Year 801. for the abolishing the new *Archbishoprick* of *Litchfield*, which K. *Offa* and P. *Hadrian* had erected, runs not only in the King's Name, but *cum Episcopis, Ducibus, & omni sub nostrâ ditione dignitatis gradu.*

In the Year 803. the Honour of the See of *Canterbury*, and the Liberties of the Church, were confirmed by the Authority of a Council call'd at *Clonetho*, cui præsidebat *Athelardus Archiep.* cum 12 *Episcopis*——Ego autem *Athellardus Archiep.* cum 12 *Episcopis* ex præcepto Domini Apostolici Leonis P. *unanimo consilio totius sanctæ Synodi præcipimus in nom. Dei omnip: & omnium Sanctorum illius, & per ejus tremendum judicium ut nunquam Reges, neq; Episcopi, neq; Principes, nec ullus tyrannicæ potestatis homines, honorem Metropolitanæ sedis minuire, vel in aliquantulâ particula dividere præsumpserint, &c.*

Hæc sunt nomina Episcoporum, Abbatum, & PRÆS-BYTERORUM & DIACONORUM, qui cum totius sanctæ Synodi consensu pro confirmatione prædictæ rei, sig-

(a) *Monast. Tom. 3. p. 116.* (b) *Ibid. Tom. 3. p. 122:*

num sanctæ Crucis Christi subscripserunt, &c. Besides the Archbishop and his 12 Bishops, there subscribe 19 Abbots, 6 that style themselves *Presbyter-Abbots*, 38 *Presbyters* at least, 1 *Archdeacon*, and 2 *Deacons*.

There is another Synod of *Clovesho* (or rather the same) mention'd in the (a) Charter of *Ethelric* to the Church of *Worcester*, and said to be held an. 804. *An. ab Incarn. Chr. 804. Indict. 12. Ego Æthelric filius Æthelmundi, cum conscientia Synodali invitatus ad Synodum & in judicio stare in loco qui dicitur Cloveshow, cum libris & ruris, id est, aet Westminstre, quod prius propinqui mei tradiderunt mihi & donaverunt, ubi Æthelhardus Archiep. mihi regebat atq; judicaverat, cum testimonio Coenwulfi R. & optimatibus ejus coram omni Synodo.* The Charter is sign'd by the K. the Archbishop, 5 Bishops, 8 *Dukes*.

K. *Kenulph* in his Charter (b) by which he founded the Monastery of *Winchelcomb*, mentions 3 *Mercian* Synods call'd in his time, besides that in which his Charter is pretended to be made, which was an. 811. *Indict. 4. Complacuit autem mihi Kenulpho, ut ad consecrationem antenominatæ Ecclesiæ universos accessissem Merciorum optimates, Episcopos, Principes, PROCURATORES, meosq; propinquos, necnon Cuthredum regem Cantuariorum, atq; Siredum R. Orientalium Saxonum, cum omnibus qui testes nostris Synodali-bus Conciliabulis aderunt.—— pro confirmatione meæ hæreditatis, quam Dominus Leo Papa primus affirmabat cum suo privilegio, & postea Paschalis summus Pontifex, præceptis suæ autoritatis & universis Merciorum Optimatibus, in tribus Synodis, unanimo consilio, &c.—— Hoc ego Kenulphus R. & omnes qui in nostris Synodalibus Conciliis testes atq; conscii hujus rei præsentati fuissent, dijudicavimus, atq; unanimo consensu constitui-*

(a) Monast. Tom. i. p. 127. (b) Monast. Tom. i. p. 185.
mus,

mus, &c.— *quasi in nostris tribus Synodis firmiter decrevimus.* The Charter is signed by K. Kenulph, and 2 other Kings, the Archbishop, 12 Bishops, 11 Dukes. By PROCURATORES may seem to be meant the Representatives of the Commons. But in reality those Procuratores were certain Officers under the King. So among the Subscribers of one of Edward the Confessor's Charters (a) there is Regiæ Procurator aulæ. And in another (b) I find these Words: Nullus succedentium Regum, Episcoporum, Principum, Comitum, Vicecomitum, PROCURATORUM seu aliorum Regum Clientium exigat, &c.

An. 816. 6. Kal. Aug. a Synod was held at Celybyth, in which divers Canons were made præfidente Wulfrido Archiep. (as the Acts say) cæterisq; adsedentibus Australium Anglorum Episcopis.— Porro Cœnulfi R. Merciorum an. 20. qui tunc tempore præfens adfuit cum suis Principibus, Ducibus, & Optimatibus, dum undiq; sacri Ordines, Præsides, cum Abbatibus, PRÆSBYTERIS, DIACONIBUS, pariter tractantes de necessariis & utilitatibus Ecclesiarum. The Canons run in the Name of the Bishops only, as appears from these Words in the 10th Decimo jubetur, & hoc firmiter statuimus adservandum, tam in nostris diebus, quamq; etiam futuris temporibus, omnibus successoribus nostris, qui post nos illis sedibus ordinentur quibus nos ordinati sumus. And the Decrees of former Synods are call'd the Judgments of BISHOPS, tho' Kings themselves subscribed: As Can. 6. Sexto sancitum: Ut non fringantur judicia Episcoporum, quæ à nobis nostrisq; prædecessoribus Synodali decreto constituta sunt, sed firma & irrefragabilia ita permaneant: seu etiam de omni re quacumq; cum

(a) Monasticon, Tom. 2. p. 13.
p. 237.

(b) Ibid. Tom. 1.

vexillo sanctæ Crucis Christi roborata est, sic stare servareq; præcipimus, nisi forsan Rex vel Princeps, antecessorum suorum manuum impositiones pro nihilo ducant. In the 9th Canon it is provided, That every Bishop should have a Copy of the Decrees of former Synods, with an account by what Archbishop and Bishops they were held (meaning such Decrees as related to Church-Lands.) *Nono sanximus in illâ præfatâ Synodo, ut unusquisq; Episcoporum debeat describere judicium illud quod in qualicunq; Synodo constitutum est, vel ad illius parochiam pertineat. Seu etiam constitui-mus, ut cum ratione & ordine describat qualis annus Domini computatur, aut à quali Archiepiscopo, & aliis adsedentibus Episcopis investigatum & confirmatum sit illud judicium.*

I take this Synod of Celichyth, or Celchyth, to be the same with that of Celchide, mention'd in an ancient Register of the Church of Chichester (a), tho' that be said to be held an. 801. Anno Dom. Incarn. 801. regni vero Cœnulfi R. Merciorum an. 5. orta est aliqua dissensio inter Cœnulfum & Wethunum Episcopum Australium Saxonum de terrâ illius prædicti Episcopi id est in Denton.—Et hoc coram omni Synodo at Celchide ascribere demandavit (Rex.) The Decree of that Synod is there said to be sign'd by the King a Bishop, then by the Archbishop, and 5 or 6 other Bishops.

An. 822. was held a Council at Clovesho for the determining a difference (among other things) touching the Archbishops Lands, præsidente huic venerabili Concilio Beornulfo R. Merciorum, & Wulfredo Archiepiscopo, cæterisq; Episcopis, & Abbatibus omniumq; dignitatum Optimatibus, Ecclesiasticarum scil. & secularium personarum; utilitatem & necessi-

(u) Monast. Tom. 3. p. 118.

tatem Ecclesiarum, Monasterialisq; vitæ regulam & observantiam, stabilitatem quoq; regni pertractantes (tibus.) This Synod is mention'd too in the *Saxon Chron.*

In the Acts of that Synod there is mention made of 2 other Councils held a little before, in which the same Matters were considered.

In the ancient Register of the Church of *Worcester*, which is extant in the *Cottonian Library*, there is an account (a) of another Synod of *Clowesho*, held *an. 824.* in which, among many other things, was decided a Controversie between *Hearberht* Bishop of that See, and the Monks of *Westbury* concerning an Estate. *An. 824. regnante Beornulfo R. Merciorum factum est Pontificale & Synodale Conciliabulum in loco qui dicitur Cloweshoas, præsidente ibi Rege præfato, ac venerando viro Wulfrido Archiepiscopo illo conventu regente ac moderante. Illic omnes Episcopi nostri, & Abbates, & universi Mercensium Principes, & multi sapientissimi viri congregati adessent, ubi inter alia plura colloquia aliqua contentio allata est inter, &c. — Statuta est autem atq; decreta ab Archiepiscopo, & ab omni Synodo illâ consentienti, ut, &c. — Et ita finita est præscripta illa contentio coram Episcopo: post xxx noctes illud Juramentum to Westmynstre deductum est, &c.* Subscribed by the K. the Archbishop, 10 Bishops, 4 Abbots, 9 Dukes, a Presbyter, P. Eugenius's Præco, Aldred Theloniarius, and 4 more. When the Oath was taken at *Westminster* there were present 50 *Sacrifici*, 10 *Diaconi*, & ex omnibus aliis Presbyteris 160. The Names of the 50 *sacrifici*, and the 10 *Deacons* are there put down.

In the Register of the Church of *Chichester* there is an account (b) of another Synod held at *Clowesho*

(a) *Monast. Tom. 1. p. 125.* (b) *Monast. Tom. 3. p. 118.*

the Year following, viz. 825. on occasion of the Bishop of *Sussex's* being deprived of certain Lands by K. *Beornulf*. The Decree, whether true or fictitious, runs thus: *In nomine D. an. ab Incarn. Chr. 825. Indict. 3. an. 2. regni Beornulfi R. Merciorum, Synodus fuit ad Clouesham, præfidente Archiepiscopo Wlfrido, post mortem Cœnulfi R. Merciorum, multæ discordiæ & innumerabiles dissociantiæ extollebantur contra uniuscujusq; principalium personarum, Regum & Episcoporum, & pastorum Ecclesiarum Dei, erga plurima secularia negotia, ita ut multum dispoliatæ fuerunt per loca diversa Ecclesiæ Christi in rebus internis.*—*Tunc in præfatâ Synodo judicatum est, ut ille Episcopus (Australium Saxonum Cœnredus) cum consensu & unanimi Consilio Episcoporum & Abbatum, seu (&) Principum, in jus proprium Ecclesiæ hæreditatis, sine ullo obstaculo accipiat; sic ut ante prius at Coelchide judicatum inter Cœnulfi R. & Wethuni de ejusdem terræ assumptione coram Archiepiscopo Eadilheardo, 3 anno Cœnulfi R. & licet acta sunt coram omni Consilio at Clouesham, cum consensu & licentiâ Regis & Principum, & Archiepiscoporum, &c.* Subscribed by Archbishop *Wlfrid*, 5 Bishops, an Abbot, 3 Dukes and 3 others.

I cannot easily persuade my self, that these Councils of *Clouesho*, which are said to be held in 824. and 825. were distinct from that of 822.

An. 838. a Council was held at *Kingston*, præfidente *Egberto R. & Filio ejus Athelnulto*, *Ceolnotho quoq; Archiepiscopo cum cæteris Episcopis Angliæ & Optimatibus*. Among other things, it confirmed the Donation of an Estate to the Church of *Canterbury*. It is there said, that the same had been given before by K. *Baldred*; but that he being hated by his Princes, *noluerunt donum ejus permanere ratum.*

A Council at *Kingsbury*, An. 851. *pro regni negotiis*. In which, besides the great Affairs of the Kingdom, K. *Bertulphs* (a) Charter to the Abby of *Croyland* is said to be confirm'd. The Subscribers to the Charter are the Archbishop, 6 Bishops, 3 Abbots, 2 Dukes, 3 Earls, *Offlat princerna R. Ethelwulfi & legatus ipsius Domini mei, & filiorum suorum, nomine illorum & omnium West-Saxonum*: Last of all K. *Bertulph* himself.

The Charter mentions another Council call'd a little before at *Wunningdon*, *Prælati & Proceribus totius regni mei Mercie congregatis*.

Sir H. Spelman tells us, that the Council of *Kingsbury* is to be esteem'd not an *Episcopal Synod*, but a *Parliament*, (and the same may be said of several others, particularly of that at *Kingsston*) as well because it was held at the *Kings Court*, for so the word *Kingsbury* denotes, as because it was held in *Easter Week*. For according to ancient Custom the *Great Men* were obliged to pay their attendance on the King in the 3 great Festivals of the year, *viz. Christmas, Easter, and Whitsuntide*: As well to honour his Person, and adorn his Court, as to consult about the grand Affairs of the Kingdom. At those times the Kings were wont to appear with the *Crown* on their Heads, and with all the Ensigns of Majesty, till *Henry* the 2^ds time; who in the year 1158. keeping his *Christmas* at *Worcester*, took his *Crown* off from his Head, and offer'd it at the Altar, and afterwards never wore it more. From which time the old Custom of wearing the *Crown* in those Festivals ceas'd. He adds, That by little and little these *Great Councils*, or *Parliaments* began to grow out of use, till they were reviv'd by *Edw. III.*

(a) Ap. Ingulph.

The Solemnity of meeting together at the Kings Court in those 3 Festivals, even before the Conquest, is mention'd by divers Authors. *Festum Dominicæ Resurrectionis instabat, & ad Regis Curiam totius Regni Nobilitas convolebat. Adunati Principes lætos dies agunt valdeq; solennes*, says Eadmer in the Life of S. Oswald, speaking of K. Edgar. Bromton speaking of the Confessor's falling sick at Christmas; *Ad sollemnitatem tanti festi* (says he) *inter Comites & Barones suam aulam ingredi non valebat.* The History of Ramesey: (a) *Dehinc R. Edwardus in die naturalis Dominici, facto Londoniæ generali totius fere Nobilitatis Angliæ conventu, cum gloriâ & honore Regio coronatus est.* So Ailred in his Life, speaking of the same thing: *In quo Anglorum tota Nobilitas ad Regis Curiam debuit convenire, & Regi more suo sceptris simul & coronâ decorando assistere.* The same Author mentions, that the same was customary at *Whitsuntide* too; and that at those times the Nobility were wont to appear in Golden Vestments. *Affuit Angliæ tota Nobilitas in vestitu deaurato circumdata varietate, sacram diei sollemnitatem & Regiam Majestatem simul honore quo poterant venerantes.*

A certain Writer (b) who mentions a Charter of Ethelbert, the first Christian K. among the Saxons, tells us, that even in his time the same Custom obtain'd. For *An. 605.* (says he) *K. Ethelbert una cum beatâ Reginâ filioq; ipsorum Eadbaldo, ac reverendissimo Præsule Augustino cæterisq; Optimatibus terræ, sollemnitatem Natalis Domini celebravit Cantuariæ.* And there, *convocato communi Concilio tam Cleri quam Populi, 5 Idus Jan. omnium & singulorum approbatione & consensu,* granted a Charter to S. Augustins Monastery. If we will believe the Writers of the British Antiquities, the same Custom was observ'd by the

(a) C. 120. (b) Ap. Spelm. Tom. I. p. 126.

Brittains themselves; for so Benedict of Gloucester in the Life of S. Dubricius tells us, That K. Arthur returning from his foreign Conquests into Britain; cum solemnitas Pentecostes appropinquasset, post tantum triumphum oppido exhilaratus affectavit illico Curiam tenere, seq; Diademate redimiri: Reges utiq; ac Duces sibi subditos ad ipsam Festivitatem invitare, ut & illam honorificentius celebraret, & inter Proceres suos pacem firmaret. And in the Charter which K. Griffid of Wales gave Herwald Bishop of Landaffe, 'tis said that he gave it coram omni Populo suo in die Nativitatis.

It was usual at those seasons, for the King to hear and determine Controversies between his Great Men, to dispence his Munificence to them, and to bestow vacant *Bishopricks*. And hence it is, that the Writer of S. Dubricius's Life, feigns of K. Arthur; That the first 3 days of *Whitsuntide* were spent in paying their attendance on the King; then on the 4th day they that paid their Duty to the K. for the obtaining of Honours, had Possessions, Cities, and Castles bestowed on 'em: And the Clergy who wanted Bishops, were provided with 'em.

An. 855. 5. Non. Novemb. was the Council of Winchester celebrated, in which Ethelwulf K. of the West-Saxons, cum consilio Episcoporum & Principum, gave the Tythe of his Kingdom to the Church, presentibus & subscribentibus Archiepiscopis & Episcopis Angliæ universis, necnon Beorreda R. Mercie, & Edmundo Eastanglorum R. Abbatum, & ABBATISSARUM, Ducum, Comitum, Procerumque totius terræ, ALIORUMQUE FIDELIUM infinitâ multitudine, qui omnes Regium Chirographum laudaverunt, Dignitates vero sua nomina subscripserunt. There are different accounts of this Matter, and very different Grants or Charters have been forged by the Monks relating to it. In Malmesbury's 5 Book de Pontif.

Pontif. there is a Charter concerning it, dated *An.* 854. not at *Winchester*, but in the Kings Palace call'd *Wilton* in *sanctâ & celeberrimâ Paschali Solemnitate*; in which the K. says that he did it, *consilium salubre cum Episcopis & Comitibus cunctisq; Optimatibus meis perficiens*. And the same I find in the (a) *Monasticon*, taken out of the Register of *Abington Abby*. But in (b) *Rudborne's History of Winchester*, there is another quite different one, pretended to be dated *An.* 844. at *Winchester*. Which as it agrees not with that in *Malmesbury*, so neither with the other Account.

We are fallen now (as Sir *H. Spelman* says) into those unhappy times, when, by reason of the Ravages of the *Danes* throughout the whole Kingdom, *abiit in desuetudinem rei ipsius sacra administratio publica; silent leges, & per annos plurimos relegatur Conciliorum usus & Synodorum*.

Among the Laws of K. *Alfred*, or *Alured*, who flourish'd towards the end of this Cent. and is call'd in the History of *Ramesey*, cap. 4. *inclytus ille Alfredus Rex Anglicarum legum conditor*; there are many purely Ecclesiastical. They were made, as he says, by the Advice and Consent of his most Wise Men. *Atque in istis discernendis, Ego Aluredus Occidentalium Saxonum Rex, prudentissimorum è nostris consilio usus sum, atque iis omnibus placuit edici eorum observationem*. In the ancient Version it is: *Ego Alfredus Westsaxonum Rex ostendi hæc omnibus sapientibus meis, & dixerunt: Placet ea custodire*. He compos'd 'em, as he tells us, out of the Laws of K. *Ina*, *Offa*, and *Ethelbert*, rejecting those which he thought less useful.

(a) Tom. I. p. 100. (b) Lib. 3. c. 2.

There is mention made in those Laws of the ancient Synods of England, with an intimation that they usually consisted, not only of Bishops, but also of other the most famous Wise Men. *Ubi vero propagata Dei Evangelio plurimæ nationes atque adeo Angli verbo Dei fidem adjunxerunt, nonnulli per orbem terrarum cætus, atq; etiam in Angliâ Episcoporum, aliorumq; clarissimorum sapientum convectus agebantur.* In the ancient Translation: *Et ita etiam in Anglorum gente, postquam ad Christianitatem pervenit, sancti Episcopi, & sapientes LAICI statuerunt, &c.*

Those Laws are also partly Ecclesiastical, which were agreed upon by K. Alfred and Guthurn (or Godrun) K. of the Danes, when they enter'd into a League with one another. See Bromton's Chronicle, Col. 830. In the Saxon Edition, p. 36. they are very imperfect, and the Ecclesiastical Laws are wanting there, as in Bromton's Edition some of the Civil Laws are. But from the Preface in the Saxon Edition it appears, that they were made *ex sapientum Anglorum, atq; eorum omnium qui Orientalem incolebant Angliam consulto.*

K. Alfred is said by some, to have Translated out of Latin into English, the ancient Laws of the Britains. And these, say they, being so Translated, are call'd K. Alfreds Laws. *Leges Britonum R. Alveredus transtulit in Anglicum. Quæ tunc dicebantur leges R. Alwredi,* say the Annals (a) of the Church of Winchester. But there is no truth in this. Wallingford tells us, that to the ancient British Laws, and to others made by his Predecessors, he added some of his own: *Quæ adeo æquitatis munimine fulciuntur, ut à nemine redargui possint. In quo ejus factò colligi potest, quam devotus ad monita S. Neoti vixerit, & justitiæ tramitem sit secutus.*

(a) Ap. Monast. Tom. i. p. 32.

His Laws are much commended by *Ethelred* Abbot of *Rivaux*, in his Genealogy of the Kings of England: *Leges Christianissimas & scripsit & promulgavit, in quibus fides ejus & devotio in Deum, sollicitudo in subditos, misericordia in pauperes, justitia circa omnes cunctis legentibus patet.*

In this Interval of Time, when in *England* there was no Synod held for so many years together, there were several held in *Wales*, under the Bishops of *Landaffe*.

K. Teudur and *K. Elgist* and *K. Brechemanc* having made a League in the presence of *Bishop Gurnan* and his Clergy, and *Teudur* afterwards having treacherously murder'd *Elgist*, the Bishop together with the Clergy Excommunicated him, and forced him to undergoe a Pennance.

The same was done by *Bishop Berthguin*, and his Synod to *K. Clotri*, for killing King *Jugval-lam*.

And to *K. Gurcan* for living incestuously with his Stepmother.

By *Bishop Cerenbir*, to *K. Houel*, for killing *K. Gallcus*

And to *K. Ili*, for killing *K. Camauc*. *Bishop Gulfrid* call'd a Synod of his Clergy, to put a stop to the devastations made by *Loumarch*, the Son of *Catguocan*; who hearing of their meeting, immediately submitted himself to their Sentence. *Inito consilio cum Synodo, & cum quibusdam parochiæ optimis viris, laicalis ordinis, condonavit ei Episcopus, &c.*

Bishop Cirveilliauc (the 22d of *Landaffe*) being injured by *Brochuail* the Son of *Mouric*, call'd together all his Clergy, *usque ad inferiores gradus*, designing to Excommunicate him, which was prevented by his Submission.

These Synods of *Landaffe*, together with those above mention'd, *circa An. 560.* Sir H. Spelman gives an account of out of a MS. Volume of the Church of *Landaffe*, which is now extant in the *Bodleian Library* among Mr. Selden's MSS. But in that Volume, of which a great part, (all that relates to the Lands of that Church) has been since publish'd by Sir W. Dugdale in the 3d Vol. of his *Monasticon*; I find a Synod held under the last mention'd Bishop *Civeilliauc*, which is not mention'd by Spelman, which determin'd a Controversie between the Bishop and K. *Brochvail*. *Post hæc facta est contentio de Ecclesiâ illâ, & ejus territorio, inter Brochvail & Episcopum Civeilliauc, congregatis omnibus Clericis, & omnibus Sapientibus, qui erant a Tivi usque Guy, ut judicarent inter Episcopum & Brochvail: Et vero judicio Clericorum totius Synodi, (forte, & totius Synodi) Ecclesia prædicta, cum tota tellure dirationata Episcopo Civeilliauc & Ecclesiæ Landaviæ in perpetuo.*

What credit may be given to the account which that Volume gives us, of so many Princes Excommunicated by the Bishops of *Landaffe*, I shall not pretend to determine: But this we are sure enough of, That the Circumstances of those Excommunications are false. For it tells us, that even in the Synods of *Oudoceus*, which were about the year 560. the sentence of Excommunication was pronounced, by laying down their *Crosses* on the ground, & *cymbalis versis*; when (as the Learned Spelman has very well observ'd) neither the use of *Crosses* nor of *Bells*, were at that time known in *England*. But the Author therefore expresses it so, because in his time, which was the 12th Century, or afterwards, Excommunications were perform'd with those Ceremonies. And the very ancient Charters (a) which

(a) See *Monasticon* Tom. 3. p. 188, &c.

are extant in the same Volume, are without doubt fictitious.

About the middle of this Cent. were made those Laws in Scotland, which they call *the Laws of K. Keneth*, partly Civil, and partly Ecclesiastical.

Charters of the 9th. Cen. (*besides some few already mention'd*) granted, or pretended to be granted.

BY Edbert (a) K. of the West-Saxons to one Eadgils, An. 801. sign'd by 2 Bishops, one that styles himself *Minister*, a *Præfect*, an *Abbot*, 2 *Præfects* more.

By Kenulph K. of Mercia to (b) the Abby of Croyland An. 806. Subscribed by the K. the Archbishop, 2 Bishops, 1 Abbot, Cuthbred K. of Kent, K. Kenulph's Brother, *Algarus Minister*, and by K. Kenulphus *Presbyter*. By the Title *Minister*, which occurs here, and in other Charters very often, is meant a Lord or *Thane*. They are sometimes call'd *Ministri Regis*. Bede III. 3. tells us, that K. Oswald interpreted St. Aidans words, who preach'd the Gospel to him, *suis Ducibus ac MINISTRIS*: Where the Saxon Translation has; *to his Aldermen and Thanes*. It signifies not only a Lord or Great Man attendant on the K. but a great man at large, as appears by a Saxon Charter granted by K. Edward the Confessor. *Edwardus R. salutem dicit Hermannò Episcopo, Haroldo Comiti, & omnibus suis agri Dorsetensis MINISTRIS*.

(a) Ap. Monast. Tom. 1. p. 279. (b) Monast. Tom. 2. p. 843.

By Count *Algar* to the same Abby, dated at *Leicester*, An. 810. confirm'd by K. *Kenulph*, the Archbishop, the Bishop of *Leicester*, the Kings Brother, and Count *Algar*'s Son.

By K. *Kenulph* to the Monks (a) of *Abbendun* An. 821. subscribed by the K. the *Queen*, the Kings Son, 4 Bishops, a *Primicerius*, a *Notary*, &c. It grants an Exemption.

By *Wiglaf* or *Witblaf* K. of the *Mercians*, Tributary to K. *Egbert*, to the Monast. of *Heanbirig* or *Heanburg*, An. 833. cum meis *Episcopis*, *Ducibus*, & *Magistratibus*, Sign'd by the K. the *Queen*, the Archbishop, 11 Bishops, 3 Abbots, 11 *Dukes*, 11 others.

To the Abby of (b) *Croyland*, An. 833. in a great Council conven'd at *London*, to consider of Ways and Means to oppose the *Danish* Pirates. In præsentia *Dominorum meorum Egberti R. Westsaxonie*, & *Ethelwulphi filii ejus coram Pontificibus ejus & Proceribus majoribus totius Angliæ in Civitate Londoniâ, ubi omnes congregati sumus pro consilio capiendo contra Danicos Piratas litora Angliæ assidue infestantes*. Sign'd in this Order, viz. by the 2 Archbishops, 9 Bishops, 3 Abbots, *Egbert* K. of the *West-Saxons*, his Son, 3 *Dukes*, K. *Egberts* *Pæresbyter*, K. *Witblaf*'s Secretary, and last of all by *Witblaf* himself.

By *Berhtulf* K. of the *Mercians* (c) to the Monks of *Breodune*, dated An. 141. in die *Natalis D. in ce-*

(a) Ap. *Ingulphum*. (b) Monast. Tom. I. p. 101. (c) *Ibid.* p. 123. (d) Ap. *Ingulphum*. (e) Monast. Tom. I. p. 123.

lebrī vico on *Tomeworthie*. Sign'd by the K. the Queen, 5 Bishops, 3 Abbots.

By K. *Atbelstan* (in Saxon) (a) to the Abby of *Middleton*, An. 843. *in villa regali quæ dicitur Dozaceſtria 2 die Paſchæ Domini*. Subscribed by the Archbishop, 8 Bishops, a Princeps, and 2 *Ministri*.

By *Beorred* K. of the *Mercians*, (b) to the Abby of *Croyland*, An. 868. *apud Snotthryngſham coram fratribus, & amicis & omni populo meo in obſidione Paganorum congregatis*. Sign'd by the K. the Archbishop, 5 Bishops, 3 Abbots, *Ethelred* K. of the *West-Saxons*, his Brother, *Edmund* K. of the *Eſtangles*, 2 Dukes, 12 Earls.

By K. *Alfred* (c) to the Monastery of *Atheling*, or *Ethelney*, or *Ædlingaæg*, An. 878. Sign'd by the K. a Bishop, &c.

The Synods and Councils of the Tenth Century.

IN the Year 905. *P. Formoſus* is ſaid to have threatned to excommunicate K. *Edward* the Elder, Son to K. *Alfred*, and all his Subjects, for keeping ſeveral Biſhopricks void, and his Legat coming into *England*, *congregavit Rex Synodum Senatorum gentis Anglorum, cui præſidebat Pleimundus Archiepiſcopus Cant.* The Story is told by *Malmesbury*. And in the *British Antiquities* (d) it is ſaid, That Archbishop *Plegmund*, *una cum Rege Concilium magnum Episcoporum, Abbatum, Fidelium, Procerum, & PO-*

(a) Ibid. 195. (b) Ap. Ingulph. (c) Monast. Tom. i. p. 203. (d) Plegmundi Vita p. 75.

PULORUM in provinciâ *Gewisorum* 1. in illa parte Angliæ, quæ in plagâ australi sita est fluminis *Thamesis*, convocavit. Another Author (a) says: *Congregavit Edwardus R. Synodum Senatorum gentis Anglorum, in quâ præsidebat Plegemundus Archiepiscopus.* But I take the whole Matter to be a meer Fiction from the beginning to the end. For *P. Formosus* died before the Year 205. and before *K. Edward's* Reign.

Malmesbury in his 5 Book *De Pontificibus*, makes mention of an Estate belonging to the Abby of *Malmesbury*, exchanged for another, *Edwardo Anglo Saxonum glorissimo Rege consentiente, necnon & ejus Optimatibus, qui ei in præsentia tunc aderant familiâ Deo servientium, in loco nuncupato antiquo vocabulo Maildubery, in Ecclesiâ sancti Salvatoris.* This Council is by *Sir H. Spelman* omitted: as many others are, which I do not mention to be so.

The Laws made by *K. Alfred* and *K. Guthburn* (or *Godrun*) when they entred into a League; were confirm'd by *K. Edward the Elder* (*K. Alfred's* Son) and the same *K. Guthburn*, when they renewed the League. The Preface this (b): *Hæc ea sunt Senatus consulta ac instituta, quæ primo Alvredus & Guthrunus reges deinde Edoardus & Guthrunus Reges—tulere—quæq; postea à sapientibus recitata sæpius, atq; ad communem regni utilitatem, aucta atq; amplificata sunt.*

The other Laws of *K. Edward the Elder*, none of which are *Ecclesiastical*, were made, at least part of 'em, in a Council held at *Exeter*, *sapientum suorum consilio*, as is intimated in one of 'em. *K. Edward* began to reign *an. 900.* died 924.

(a) Ap. Spelm. 387. v. Rad. de Diceto de Archiep. Cant.

(b) Lambard ad calcem Bedæ p. 41.

The Laws of his Successor K. *Ethelstan*, who died an. 940. or 941. were made in several Councils or Parliaments held at *Gratele*, *Exeter*, *Feversham*, *Thunderfield*, *London*, and *Thitlanbirig*; but chiefly at *Gratele*, about the Year 928. The Laws of which Council begin thus: *Ego Æthelstanus Rex prudenti Ulfhelmæ Archiepiscopi, aliorumq; Episcoporum meorum consilio.* Conclude thus: *Decreta actaq; sunt hæc omnia in celebri Gratanleano Concilio, cui Ulfhelmus interfuit Archiepiscopus, & cum eo Optimates ac sapientes ab Æthelstano evocati frequentissimi.* Then follow other Laws made in a Council or Parliament at *Exeter*, with this Preamble: *Ego Æthelstanus Rex omnibus clare significo, me diligenter causam inquisivisse, quamobrem non perinde servaretur pax nostra, atq; ipse cupiebam, ac Gratanlæ sancitum fuerat: Atq; à regni mei Sapientibus hoc tuli responsum, Id nimiam meam patientiam, & scelerum impunitate accidisse. Nuper vero cum festo natalis Domini Exoniæ Sapientibus stipatus commorarer, &c.* In the ancient Latin Translation (a), the Laws of the 3 next Councils have this Title prefixt: *Hæc sunt judicia quæ Sapientes Exoniæ consilio Adelstani R. instituerunt, & iterum apud Feversham, & tertiâ vice apud Thundersfeldium, ubi hoc diffinitum simul atq; confirmatum est.*

In the Council of *Feversham* the K. himself was not personally present, but sent thither certain *Wise Men*, by whose Counsel things were transacted. That not only the *Bishops*, *Thanes*, and *Earls* of the County of *Kent* were present in that Council, but also the *Villani* appears from the Letter of Thanks which they sent the K. inserted in the Bo-

(a) Ap. Bromton Chron. Col. 848.

dy of the Laws : *Karissime, Episcopi tui de Kent, & omnis Kentilscire, Thayni, Comites, & VILLANI tibi—gratias agunt. — Et hoc incepimus quantâ diligentia potuimus consilio horum sapientum quos ad Nos misisti. — De pace nostra quam omnis populus teneri desiderat, sicut apud Greateleyam sapientes tui posuerunt, & sicut etiam NUNC dictum est in Concilio apud Fefretham. The Title to the Laws made in the Council of London runs thus : Hoc consultum est quod Episcopi & Præpositi qui Lundeniensi Curie pertinent, edixerunt, & jurejurando confirmaverunt in suo Fridgildo Comites & VILLANI in adjectione judiciorum quæ apud Greateleyam, & Exoniam institutæ sunt, & iterum apud Thundresfeldam.*

One of the Laws of that Council of London, is in these Words : *Quod Sapientes omnes dederunt Vadium suum insimul Archiepiscopo apud Thundresfeldam quando Ealpheagus, Scyb, & Brithnodus Odonis F. venerunt ad Concilium ex ore Regis, ut omnis Præpositus vadium capiat in suo Comitatu de pace servandâ, sicut Adelstanus (Æthelstanus) Rex apud Fefresham, & quartâ vice apud Thundresfeldam, coram Archiepiscopo, & Episcopis, & Sapientibus quos ipse Rex nominavit ; qui interfuerunt & judicia conservaverunt quæ in hoc Concilio fuerunt instituta, &c.*

In the next Law : *Quod Adelstanus Rex præcepit Episcopis suis & Præpositis omnibus in toto regno suo, ut pacem ita custodiant sicut recitavit & Sapientes sui.*

The Council of Thitlanbirig is mention'd in the next following, which forbids putting any one to death under 15 Years of Age ; in these Words : *Rex dixit apud Thitlanbirig Sapientibus suis, & præcepit ostendi Archiepiscopo & cæteris Episcopis, quod ei miserabile videtur, quod aliquis tam juvenis occidatur, &c.*

The last Law : *De Ordalio præcipimus in nomine Dei & præcepto Archiepiscopi & omnium Episcoporum, ne aliquis intret Ecclesiam postquam ignis infertur unde iudicium calefacere debet: præter Sacerdotem & eum qui ad iudicium iturus est, &c.*

These things I have transcribed, not out of the Saxon Edition (in which they are not) but out of the ancient Latin Translation extant in *Bromton's Chronicle*.

In a History of the Church of *Durham* (a) it is said, That *K. Ethelstan Leges & consuetudines ipsius Sancti* (Cuthberti, Episcopi Lindisfarn : sive Dunelm :) *quas avus ejus R. Elfredus & Guthredus R. instituerant, ipse approbavit & inviolabili firmitate servandas in perpetuum censuit.*

Among the Laws of *Hoel Dha, King* (or Prince) of *Wales* which were made circa an. 940. there are divers Ecclesiastical ones. At the making of those Laws, it is said, there were present 140 Prelates of the Church, with all the Great Men of *Wales*. The Preface runs thus : *Dei providentiâ Howel Da filius Cadell, Rex totius Cambriæ videns suos Wallenses insolenter legibus abuti accivit de quolibet Remut (Centuria) totius regni sui sex laicos viros auctoritate & scientiâ pollentes & omnes Ecclesiasticos dignitate baculosos ; vel Archiepiscop. vel Episcopos, Abbates vel Priores de regno suo, &c. — De congregatis elegit Rex 12 Laicos doctissimos, & unum Clericum doctissimum qui vocatur Blangoridus, ad instruend. sibi leges & usus, &c.*

About 3 Years after were publish'd the *Constitutions* of *Odo* Archbishop of *Canterbury* ; which, tho' made in a *Synod*, yet they run in his Name only, with this Preface : *In nomine S. Trinitatis & unice Divinitatis. Licet nullis existentibus meritis ; monita,*

(a) Ap. Monast. Tom. I.

piæ exhortationis, ausu temerario quempiam docere præsumam : tamen quia certantibus, & viz. laborantibus in studio hujus vitæ, spirituale bravium auctore donorum spiritu promittitur : & pastorum curæ, populus Dei multiplicandus, fide & numero caute conceditur. Ideo ego Oda humilis & extremus, divinâ largiente clementiâ, almi Præsulis & Pallii honore ditatus : quædam documenta, omni Christicolæ, ni fallor, non indigna quæ à præcedentibus illustrium virorum præceptis certissima comperi, ad consolationem Domini mei Regis, scil. A tmundi, omniq; populi excellenti imperio ejus subjecti, in illâ chartulâ quoadunare decrevi, &c. In the 2d Canon he requires the King himself to be obedient to the Archbishops and Bishops. *Ammonemus Regem, & Principes, & omnes qui in potestate sunt, ut cum magnâ humilitate suis Archiepiscopis, omnibusq; aliis Episcopis obediant, &c.*

The Laws of K. Edmund, who began to reign 940. or 941. died 946. are many of 'em purely Ecclesiastical. They were made partly in a Parliamentary Council held at London in Easter time, where were present both the Archbishops and most of the Bishops, with other Ecclesiasticks ; and partly at Culin-ton. The Preface this : *Edmundus Rex ipso solenni Paschatis festo frequentem Londini tam Ecclesiasticorum, quam Laicorum cætum celebravit, cui interfuerunt Oda & Wulstanus Archipræsul, plurimiq; alii Episcopi.* The Preface to the 2d part : *Ego Edmundus Rex omnibus qui in ditione ac potestate meâ sunt, senibus ac juvenibus, clare significo, me à scientissimis regni mei in celebri tam Ecclesiasticorum quam Laicorum frequentiâ studiose requisivisse quo tandem pacto Christiana proveheretur fides. Atq; nobis omnibus commodissimum visum est, &c.* In the ancient Translation extant in Bromton's Chron. they are divided into 4 Parts, with this Title to the 2d. Part. *Hæc est in-*

stitutio quam Edmundus Rex & Episcopi sui, cum Sapientibus suis instituerunt apud Culin-tonam de pace & juramento faciendo.

An. 948. a great Council or Parilament was held at London under K. Edred, for the great Affairs of the Kingdom. In *festo Nativitatis B. Mariæ* (says *Ingulphus*) *cum universi Magnates Regni per Regium edictum summoniti, tam Archiepiscopi & Episcopi, ac Abbates quam cæteri totius Regni Proceres & Optimates* (among them were 2 Vicecomites) *Londoniis convenissent ad tractandum de negotiis publicis totius regni.* In the same Council K. Edred granted the Abby of Croyland a Charter ; of which hereafter.

About this time Pater Bishop of Landaffe called a Synod of his Clergy to animadvert upon King Nougui for Sacriège, who there submitted himself.

An. 955. the same Bishop of Landaffe called another Synod of his Priests, Deacons, & *omnium graduum Ecclesiasticorum*, against the same K. Nougui, because certain Persons of his Family had murder'd a Deacon at the Altar. The offending Persons are given up to the Bishop ; and the Synod adjudged, that every one of 'em should give their Estates and all their Substance, together with a Sum of Money to the Church they had violated.

An. 958. Archbishop Odo excommunicated K. Edwin, or Edwy, for Adultery, and Incest, whether in a Synod or no, not said by those that write of it, *Malmesbury, Hoveden, Florilegus.*

That King is said (a) to have despoil'd the Monasteries, by his Edict, of all things belonging

(a) Osbern Vita S. Dunstani.

to them. Yet there are extant certain *Charters* pretended to be given by him to *Monasteries*.

An. 958. *Edgar*, Brother to *K. Edwin*, having obtained a great part of the Kingdom, call'd a Council at *Wandanford*, where *K. Edwin's* Acts and Decrees were rescinded; what he had taken away from Churches and Monasteries was restored, and Abbot *Dunstan* of *Glastonbury*, whom he had banished, was recall'd. *Post paucos dies electionis sue* (says *Osbern* (a) *præcepit Edgarus Dyarcha totius regni sui Concilium Celebrari: in quo Concilo annihilatis omnibus quæ à fratre ejus iniquis fuerant legibus decreta, &c.*

Wallingford tells us, that he summon'd his *Barones Northumbrenses* to a Council of *York*, and there ordained many good things relating to the Affairs of the Kingdom: Amongst other things divided the County of *Northumberland* into 2 Counties.

Before *K. Edgar's* time there were no *Regulars* in *Monasteries* and *Cathedral Churches*, but *Seculars* or married Clergymen; excepting only the *Monasteries* of *Glastonbury* and *Abington*. He gave Commission to *Dunstan* Archbishop of *Canterbury*, *Ethelwald* Bishop of *Winchester*, and *Oswald* Bishop of *Worcester* (who for their great Zeal for the *Monks* are all *Sainted*) to turn out the married Clergy, and to put in *Regulars* in their places, *Episcopali censurâ & Regiâ autoritate*. This was an. 964.

Osbert in the Life of Archbishop *Dunstan* mentions 3 Councils call'd in his time, and in the Reign of *K. Edgar*.

In the first, which he says was held by the Archbishop *de observantiâ Christianitatis*, and which he calls *generale totius regni Concilium*, he tells us, a cer-

(a) *Dunstani vitâ.*

tain Earl who had been excommunicated by him, submitted himself to him.

In the 2d, which was at *Winchester*, and in which the Nobility of the whole Kingdom, with the King, and his *QUEEN*, were present, the *Secular* or married Clergy were turned out of the Monasteries and Cathedral Churches. *Clerici qui ejecti sunt* (ab Athelwoldo Wint. Episcopo) citato gressu Regem adeunt, *judicium atq; justitiam sibi de expulsi- one sui fieri postulant.* Refertur negotium ad audientiam Dunstani, & ipse eos æqua postulare pronunciat. Igitur ex præcepto Regis & Archiepiscopi coit Wintoniam Nobilitas regni totius, & Rex cum suâ Conjuge adest, ad determinandas querelas negotii hujus. Surgunt hinc inde lites, quas Dunstanus propositis rationibus destruit omnes. — Quibus auditis, ommissa omnis controversia est, & Rex atq; ex Principibus pleriq; Clericorum precibus ad pietatem usq; permoti Dunstanum interpellant, quatenus hac solâ Vice parcat. &c. His saying that the whole Matter was left to Dunstan's Judgment and Pleasure is not true. Eadmer, in the Life of Bishop Oswald, makes the Synod to be call'd by Archbishop Dunstan by the Pope's Authority: *Ex sanctione & autoritate Johannis Apostolicæ Sedis Antistitis B.* Dunstanus, coacto generali Concilio statuit, & statuendo decretum confirmavit. Rudborn says (a), K. Edgar presided in it. Osbern, in Dunstan's Life, says, that he obtain'd the Victory over the Secular Clergy *ex sententiâ totius Concilii.* It was here that the fabulous Monks tell us, an Image of Christ spoke aloud on behalf of the Monks. This Synod of *Winchester* is mention'd by many others, as by *Matt. of Westminster* and *Malmesbury* (who make it to have been held not in K. Edgar's, but in the succeeding Reign) in the *History of Ely*, lib. 2. cap. 6. and in the Anonymous

(a) Hist. Winton. c. 12,

Life of Bishop Oswald, which is extant in *Surius*; not to mention (a) others.

In the 3^d Council mention'd by Osbert, K. Edgar, who had been punish'd by Archbishop Dunstan with a 7 years Penance, being forbid during that time to wear the Regal Crown, was absolv'd, and with great solemnity Crown'd: *Adunatis Episcopis, Abbatibus, & ceteris Principibus cum totâ Regni IN-GENUITATE, coram eis adstante innumera populi multitudine.* Osbern in the same Archbishops Life says, the Archbishop Crown'd him *accitis omnibus imperii Anglorum Principibus, Episcopis, Abbatibus, & universis Ecclesiasticæ dignitatis Ordinibus*: There came together, says the Saxon Chron. An. 973. *Sacerdotum cætus, ingens Monachorum turba Sapientumq;* CONCILIUM. He was blessed, as Simeon Dunelmensis expresses it, by the 2 Archbishops, and by all the rest of the Bishops of England. Malmesbury says it was done, *Principibus & omnibus ordinis viris undiq; confluentibus*: Matthew of Westminster. *Præsentibus cæteris totius Angliæ Pontificibus, ac magnatibus universis.* This Council was held at (b) Acemannesceaster, or (c) Afemanecestre, i. e. Bath, on WhitSunday, An. 973. 2 years before K. Edgar's Death.

K. Edgar's Laws, which are chiefly Ecclesiastical, are entitled: *Leges quas Edgarus Rex frequenti senatu ad Dei gloriam, Regiæ Majestatis ornamentum, ac Reip. utilitatem sancivit.* Rudborne (d) tells us, that he was *pacificus, & plures leges bonas condidit, easq; per totum regnum suum observari præcepit.* In Florence and Matthew of Westm. we read, that throughout his whole Reign, he used to make a progress thro' all the several Provinces of his Kingdom, to see how his Laws were kept and observed by his Princes.

(a) See Spelman Tom. 1. p. 491. 2. (b) Chron. Sax. (c) Mat. Westm. (d) Hist. Wint.

In the *Saxon Collection of Laws*, which goes under the name of *K. Edgar*, but is thought by *Sir H. Spelman*, to be taken out of divers Bodies of Law, there are certain Canons relating to *Diocesan Synods*, as,

1. *Docemus etiam, ut ad Synodum unamquamq; annuo habeantur libri & vestimenta servitio Dei congruentia : Necnon atramentum & pergamena ad eorum constitutiones describendas, triduanusque insuper commectus.*

2. *Docemus etiam, ut Sacerdos quilibet ad Synodum veniens, Clericum suum habeat, & manupastum suum seu fidelem in ministrum, neminem autem incognitum, aut stultitiæ deditum : Et adveniant omnes in fidelitate & timore Dei omnipotentis.*

3. *Docemus etiam, ut si mali quid acciderit Sacerdoti vel ei quis injuriam fecerit, Synodo referat, suscipiantque omnes ut illatam omnibus, ferantque opem ut emendatio fiat pro arbitrio Episcopi.*

K. Edgar dying, *An. 974*, or *975*. there was a Convention of all the Great Men, for the electing of a Successor, some being for his Son, Prince *Edward*, (who carried it) others for his younger Brother. There met together, says *Westminster*, the 2 Archbishops, *cum Episcopis, Abbatibus, & Ducibus* : Or as *Florence of Worcester* has it (whom *Westminster* seems to follow) *cum Corepiscopis* (read, *Coepiscopis*) *Abbatibus, Ducibusq; quamplurimis.*

An. 977. was a great Council at *Hyttlington* (in *Oxfordshire*, no doubt ; and I wonder *Sir H. Spelman* never thought on that place.) Where it was decreed by *K. Edward* and Archbishop *Dunstan*, that the Country-People should go in Pilgrimage to *S. Maries* at *Abington*. *Ordinarunt jam nunc Rex Edwardus & Dunstanus Archiepiscopus, &c.* The *Saxon Chron.* calls it *magna ista Synodus apud Hyttlinton* ;

But

But for *p* in the *Saxon*, ought to be read *z*, which is a very easie alteration.

Simeon Dunelmensis mentions a Synod at *Cirding*; *Howeden*, at *Kirding*; *Wigorniensis*, at *Kyztlinege*: All agreeing in the year 977. Which was doubtless no other than that of *Kyztlington*, tho' they all, I know not by what mistake, but one following the other, make the place to be in *Eastanglia*: Where, as Sir *H. Spelman* assures us, there is no place of a name like that of *Kirding* or *Kyztlinege*. That by *Kyztlington*, is meant the Village of that name near *Oxford*, is sufficiently confirm'd by what was done in it relating to *Abington*.

The same year was another Council, or Synod, at the Kings Court at *Calne* in *Wiltshire*, in which the Cause was carried agen for the *Monks*, against the *Secular Clergy*. All the Great Men of *England*, they say, were there present. *Confidentibus totius Angliæ Senatoribus*, says *Malmesbury*; *omnes optimates Anglorum*, say *Huntington*, and *Bromton*; *totius Angliæ Majores natu*, say *Wigorniensis* and *Dunelmensis*; *omnes majores natu Angliæ gentis Optimates*, says the *Saxon Chron.* which places it ad An. 978. *Osbert*, in the Life of *S. Dunstan*, mentions it; and that the King (whom he makes to be *Edgar*) and the Archbishop were there, with a great number of the *Secular Clergy*, who brought *Bernelin*, a famous *Scot*, to defend their Cause against the Archbishop and the *Monks*. It's mention'd also by *Osbern*, in *S. Dunstan's* Life, who calls that *Scot*, not *Bernelin*, but *Beornelm*. *Malmesbury*, who makes it to have been in *K. Edwards* Reign (as most others do) tells us, that the King was not present by reason of his Youth. It was here that the Chamber broke down: Of which the *Monks* have made another Miracle, telling us, that Archbishop *Dunstan* alone, and his Party,

Party, escaped without being hurt. This Synod is mention'd likewise by *Rudborne*, (a) and by the *Chronicle of Mailros* ad An. 977.

Another Synod was held in Archbishop *Dunstan's* time at *Amesbury*, or *Ambresbiry*. It's mention'd by *Wigorniensis*. But neither *Osbert* nor *Osbern*, in his *Life*, say any thing of it. Neither do we know what it's business was.

About this time there seems to have been a Synod in the *North*, held under the Archbishop of *York*, by which were made those Canons which are call'd *The Laws of the Northumbriam Presbyters*: Which Sir *H. Spelman* ascribes to Archbishop *Oswald*, because in the MS. he found 'em subjoin'd to the *Laws of K. Edgar*.

Soon after *K. Edgar's* Death, which was An. 975. *Adelwold* Bishop of *Winchester*, being disseised of divers Mannors by one *Lessi*, the matter was brought into the *Witena Gemot* or Parliament. *Edicatur generale placitum apud Londoniam* (says my (b) Author) where there came together *Duces, Principes, Satrapæ, Rhetores, & Causidici*. And the Cause went for the Bishop. *Post hæc infra 8 diem convenerunt iterum ad Northamtune, & congregatâ ibi totâ provinciâ sive Vicecomitatu, coram cunctis iterum causam supra dictam patefecerunt. Quâ patefactâ ac declaratâ ut præjudicatum erat apud Londoniam, judicaverunt & isti apud Northamtune.*

Not long after, *Lessius* being dead, *Beatus Ædelwoldus & Agelwinus* cognomento Alderman, ac *Primates Northamtunensis provinciæ, necnon Orientalium Anglorum Proceres, Placitum habuerunt, apud Mal-*

(a) Hist. Wint. (b) Hist. Eliensis l. i. c. 10.

mesford in octo Hundretis. Ubi inter alia judicatum est ut Sifled relicta Lessii, & Hæredes sui, Deo & Episcopo prædictam rapinam emendare deberent, sicuti ipse, si vixisset, facere debuisset.

The History of Ely, tells us of other such like Conventions, wherein Causes were tried, in those times, Lib. i. c. 14. Omnes majores natu Orientalis Angliæ & de Grantebruge, venerunt ad Fracenham, & inde profecti sunt ad villam quæ dicitur Benegetun; ubi III. Hundrita congregata erant, ibiq; produxit Abbas, &c. — Cap. 46. Quodam tempore cum convenissent Concionatores Angliæ apud Lundoniam, &c. By Concionatores are meant those of whom the Court or Placitum consisted, at least the Pleaders, and c. 45. the Placitum is term'd a Concio. — Cap. 60. Post obitum Edgari R. dum esset Rex Edwardus, & fere omnes sapientes sui, apud Kyngestune.

An. 988. Arthmail, King of Guent in Wales, having murther'd his Brother Elised, Gucaun Bishop of Landasse, summon'd all his Clergy, de majoribus gradibus usq; ad inferiores gradus, and excommunicated him, and before Absolution enjoyn'd him Pennance.

An. 994. (in the Council held) at Amesbury on Easter-day, Ælfric Bishop of Wiltun was chosen Archbishop of Cant. by K. Ethelred, omnibusque ejus Proceribus, says the Saxon Chron. In perusing which Chronicle, I observed that about those times, when the Author speaks of the Kings doing any thing, he very frequently joins him with his Proceres, because it was done in the time of a great Council. So a little after he adds, that it was decreed by the K. and Proceres, that Tribute should be paid the Danes. Ad An. 970. Oskytel is said to be consecrated Archbishop of York Edwardi R. consensu & omnium ejus Procerum. Ad an. 999. It was decreed by the K. and his Proceres, that an Army and Fleet should be sent against

against the Danes. Ad an. 1002. it was decreed by the K. and Proceres, that the Danish Fleet should receive a Tribute. Agen ad an. 1006. *Cæpit Rex frequenter quærere ex suis Optimatibus quid eorum singulis factu optimum esset visum:* And it was decreed by the K. and his Optimates, that another Tribute should be paid 'em. An. 1010. *Vocati sunt omnes Optimates ad Regem, ut consilium inirent, quomodo hæc terra defenderetur.* An. 1011. the K. and his Proceres sent to the Danish Army to beg Peace, and to offer 'em a Tribute. Who these Proceres were, appears ad an. 1012. *Venit Eadricus Dux, omnesque Proceres, tam CLERICI quam Laici, Anglicæ nationis ad Lundenbyrig ante Pascha, & ibi tam diu morati sunt, quousque tributum illud persolveretur, nempe 8000 librarum.* Ad an. 1014. *Decreverunt omnes Proceres, tam CLERICI quam Laici Anglicæ nationis, ut ad R. Athelredum mitterent.*

Florence of Worcester mentions most of the same things, but out of that Chronicle; ad an. 992, 994, 999, 1007, 1011, 1012.

Charters granted (or pretended to be granted) in the 10th Cent.

BY Edred K. of the Mercians (a) & toto senatu Anglorum. — Incarnationis An. 904. Indict. 6. contigit, quod Ethelfritbo Duci omnes hæreditarii libri, ignis vastatione combusti, perierunt; Tali igitur necessitate cogente, prædictus Dux rogavit Edwardum R. & Elredum quoque & Ethelfledam, qui tunc principatum et potestatem gentis Merciorum, sub prædicto Rege tenuerunt;

(a) Monast. Tom. 2. p. 840.

omnes etiam Senatores Merciorum, ut ei consentirent & licentiam darent alios libros rescribendi, &c.

By K. Edward to the (a) Church of Winchester, an. 90 Subscribed by the K. the Archbishop, 2 Bishops, the Kings Brother, and 2 Sons, 5 Dukes, 4 Presbyters, 18 Ministri, & 2 others.

By K. Athelstan to the bishop of Selesey (b) an. 930 in villâ omnibus notissimâ, quæ Lullyngminstre nuncupatur, Episcopis, Abbatibus, patriæ PROCURATORIBUS, regiâ dapilitate orantibus. Subscribed by the K. Archbishop Wlfbelm, Alfunsus, Eadgar, and Cornwall Bishops, & multi alii Episcopi, Duces, & MILITES consenserunt & subscripserunt. By MILITES and Patriæ PROCURATORES, seem to be meant the Knights of Shires, or the Representatives of the Commonalty: But how genuine the Charter is, I leave to the Judgment of others.

By the same K. the same Year (c) in Civitate omnibus notissima quæ Snotttingham dicitur, totâ Optimatum generalitate sobolis Regiæ Dapilitatis orante. Subscribed by the K. the 2 Archbishops Wlfbelm and Wlstan, 3 Subreguli, 16 Bishops, 12 Dukes, 2 Ministri, 22 Milites that are named, & plures alii MILITES, quorum nomina in eadem cartâ inseruntur, consenserunt & subscripserunt. That this Charter is spurious, appears from the disagreement of the Year of our Lord, and the Indiction: not to mention other things.

To the Monastery of Wilton (b) an. 933. Subscribed by the K. the Archbishop, 7 Bishops, 2 Dukes, 13 Ministri.

To the same, an. 937 (e). Subscribed by the K. the Archbishop, 7 Bishops, 2 Dukes, 29 Ministri.

(a) Tom. 1. p. 37. (b) Tom. 3. p. 119. (c) Ibid. p. 130. (d) Ibid. Tom. 2. p. 858. (e) Ibid. 859.

To Earl *Athelston* *an.* 938 (a). Sign'd by the K. and Archbishop, *cum multis aliis*.

To the Abby of *Malmesbury* (b) the same Year, at *Doznacester*, *Optimatum nostrorum rogatu*. Subscribed by (c) 3 *Subreguli*, the 2 Archbishops, with 14 Bishops.

By K. *Edmund* to Earl *Wulfric* (d) *an.* 940. Sign'd by the K. and Archbishop, *cum cæteris Pontificibus*.

To the Abby of *Glastenbury* (e), the same Year: Sign'd by the King, his Brother, the Archbishop, *cum multis aliis*.

To one *Edric* (f) *an.* 941. Sign'd by the King, his Brother, the Archbishop, 7 Bishops, 6 *Dukes*, 14 *Ministri*.

To the Monastery (g) of *Badericheswyrthe* (or *S. Edmondsbury*) *an.* 942. *Indict.* 3. Subscribed by the K. the Queen, the Archbishop, 8 Bishops, 5 *Dukes*, 11 *MILITES* or *Knights*. The Year of our Lord and the *Indiction* in this Charter do not agree: Which is a common Blunder in the Forgers of Charters.

To the Abby of *Glastenbury* (h) *an.* 944. *cum consilio & consensu Optimatum meorum*. Signed by the K. his Brother, the Queen, the 2 Archbishops, and 2 Bishops. Neither do the Year of our Lord and the *Indiction* agree in this.

To the Bishop (i) of *Selesey* *an.* 945. *Indict.* 3. Subscribed by the K. his Brother, his Mother, the 2 Archbishops, &c.

To the Monastery of *Malling* (k): Subscribed by the K. his Brother, and Mother, the Archbishop of

(a) *Ib.* 841. (b) *Malm.* l. 5. de *Pont.* (c) *Eugenius is one, who was K. of Cumberland, mention'd by Ingulphus, p. 37.* (d) *Mon. Tom.* 2. p. 841. (e) *Ibid.* p. 842. (f) *Ibid.* *Tom.* 1. p. 214. (g) *Ibid.* p. 287. (h) *Ibid.* p. 15. & *Malmesb.* (i) *Ibid.* *Tom.* 3. p. 120. (k) *Ibid.* *Tom.* 1. p. 215. (l) *Tom.* 1. p. 353.

Canterbury, 2 Bishops, the Archbishop of York, 4 Bishops more, the King's Concubine, 4 Dukes, 10 Ministri, another Duke, 3 Ministri more.

By Edred (a) K. of England, to the Monastery of Shaftesbury an. 948. Subscribed by the K. the Archbishop, 6 Bishops, 3 Dukes, 9 Ministri.

To the Abby of Croyland (b) the same Year, in præsentia Archiepiscoporum, Episcoporum, & Procerum regni mei. — In festo Nativitatis B. Mariæ cum universi Magnates regni (says Ingulphus) per regium edictum summoniti, tam Archiepiscopi & Episcopi, ac Abbatess, quam cæteri totius regni Proceres & Optimates Londoniis convenissent ad tractandum de negotiis publicis totius regni. Subscribed by the 2 Archbishops, 4 Bishops, 2 Dukes, 3 Earls, 2 Vicecomites, 3 Ministri: Then by the Abbot of Croyland himself, who styles himself Minister inutilis.

To the Monastery of Burton (c) an. 949 cum Archiepiscopis cæterisque Consulibus.

To that of Raculver (d) the same Year: Subscribed by the K. the 2 Archbishops, 10 Bishops, an Abbot, 3 Dukes, the King's Mother, and Abbot Dunstan.

To that of Abington (e) an. 955. cum consilio atq; consensu meorum Præsulum Optimatumq; Sign'd by the K. the 2 Archbishops, 2 Bishops, the King's Mother, an Abbot, 8 Ministri.

To that of Glaistenbury (f) an. 955. Sign'd by the 2 Archbishops cum multis aliis.

By K. Edwy to that of Wilton (g) an. 955. Signed by the K. the 2 Archbishops, 11 Bishops, an Abbot, 2 Deacons, the Abbess, 5 Dukes, 22 Ministri.

(a) Ibid. Tom. 1. p. 215. (b) Ap. Ingulphum. (c) Mon. Tom. 1. p. 267. (d) Ibid. p. 86. (e) Ibid. p. 101. (f) Tom. 2. p. 842. (g) Ibid. Tom. 2. p. 85.

To that of *Glastenbury* (a) *an.* 956. Signed by the K. the Archbishop, *cum multis aliis.*

To the same (b), the same Year. Subscribed by the K. his Brother, the Archbishop, 5 Bishops, 3 Dukes.

To that of *Selesey* (c) the same Year : Signed by the K. the Archbishop, 5 Bishops, 4 Dukes, &c.

To the same (d) *an.* 957. Sign'd by the K. his Brother, 3 Dukes, 2 Bishops, &c.

To the same (e), *an.* 958. *cum consensu Episcoporum & Doctorum meorum.* Sign'd by the Archbishop of *Canterbury*, the King's Brother, the Archbishop of *York*, 6 Bishops, 11 Dukes, 16 *Ministri.*

By K. EDGAR.

To the Monks of *Abington* (f) *an.* 958. Sign'd by the K. the 2 Archbishops, 6 Bishops, the King's Grandmother, 3 Abbots, 7 Dukes, 60 *Ministri.*

To the Nuns of *Wilton* (g), the same Year (in *Saxon.*) Sign'd by the K. the 2 Archbishops, 4 Bishops, the Queen, 6 Abbots, 7 Dukes, 6 *Ministri.*

To the Church of *York* (h), *an.* 963. *meorum Episcoporum testimonio, Principum permissu, veridicorum virorum astipulatione.* — *Cunctis meis consentientibus Optimatibus, & praeipue his, quorum nomina subnotata recensentur.* Subscribed by the King, the 2 Archbishops, 7 Bishops, 8 Dukes, 9 *Ministri.*

To the Church of *Worcester* (i) *an.* 964 *in urbe quæ ab incolis Cleaverestrie nominatur, in natale Domini.* — *Cum consensu Principum & Archiepiscoporum meorum.* Sign'd by the K. the Queen, the 2 Archbishops, 6 Bishops, 6 Abbots, 6 Dukes, 12 *Ministri.*

(a) *Ibid.* Tom. 2. p. 841. (b) *Ibid.* p. 837. (c) *Ibid.* Tom. 3. p. 120. (d) *Ibid.* p. 121. (e) Tom. 3. p. 129. (f) Tom. 1. p. 103. (g) Tom. 2. p. 865. (h) Tom. 3. p. 128. (i) Tom. 1. p. 141.

To the Monks of *Hyde* near *Winchester*, *an.* 966. Which contains certain Laws or Rules for their Government: Subscribed by the K. the Archbishop of *Canterbury*, the King's 2 Sons, his Queen, his Grandmother, the Archbishop of *York*, 9 Bishops, 5 Abbots, 3 Dukes, 3 Knights..

To the old Monastery of *Winchester*, (a) *cum consilio sapientum.*

To that of *Croyland* (b) the same year; *Sancitum est An.* 966. *præsentibus Archiepiscopis, Episcopis, Abbatibus, & Optimatibus regni mei.* Subscrib'd by himself, the 2 Archbishops, 3 Bishops, 3 Abbots, 1 Abbess, 6 Dukes, 4 Ministri.

In the same year, the 2 Archbishops, confirm'd and ratified (c) by a particular Charter, the Charters granted to that Monastery by K. *Edgar* and K. *Edred*. Which Privilege granted by the 2 Archbishops, *sancitum est & immutabiliter decretum in præsentia R. Edgari, Prælatorum, Procerumq; apud Lond. collectorum.* Subscribed by the K. the Archbishops, 10 Bishops, 1 Archdeacon, 4 Abbots, 3 Abbesses, 5 Dukes, 3 Ministri. This was done in the Octaves of *Whitsunday* in *S. Paul's Cathedral*.

To the Abby of *Glaston* (d) the same year, Subscrib'd by the K. and the Archbishop, *cum multis aliis.*

To the same (e) *An.* 968. Subscrib'd by the K. and the 2 Archbishops, *cum multis aliis.*

To the Nunnery (f) of *Wilton* (in *Saxon*) the same year. Sign'd by the K. the 2 Archbishops, 6 Bishops, the Queen, 8 Abbots, 7 Dukes, 10 Knights.

(a) Ap. *Rudborne Hist.* *Winton.* p. 219. (b) Ap. *Ingulphum.*
(c) *Ibid.* (d) *Monast. Tom.* 2. p. 839. (e) *Monast. Tom.* 2.
p. 841. (f) *Ib.* p. 862.

To the same agen, (a) the same year: Subscrib'd by the K. the 2 Archbishops, 4 Bishops the Queen, 6 Abbots, 7 Dukes, 6 Ministri.

To the Abby (b) of Medeshamstede, or Peterborough, An. 970. Subscrib'd by the K. the 2 Archbishops, 3 Bishops, 3 Abbots, 4 Dukes, 5 Ministri, with several others, whose Titles are not express'd.

To the Church of Ely, (c) he granted 3 the same year. The 1st is sign'd by the K. the 2 Archbishops, 11 Bishops, the Queen, 11 Abbots, 9 Dukes, 26 Knights, & aliis compluribus de OMNIBUS DIGNITATIBUS regni mei.

The 2d, by the K. the Archbishop of Cant. 7 Bishops, 7 Abbots, 5 Dukes, a Minister, 8 Milites or Knights; for so I take the letter M. to signify.

The 3d, by the K. and Archbishop, 12 Bishops, 12 Abbots, 6 Dukes, and 28 Knights.

To the Monks of (d) Glaston, An. 971. at London: *Communi consilio omnium Primatum* (i. e. Magnatum) *meorum*.—*Dunstano Dorobernensi atque Oswaldo Ebor. Archiepiscopo adhortantibus, consentiente etiam & annuente Brihtelmo Fontanensi Episcopo, cæterisque Episcopis, Abbatibus, & Primatibus*. Subscribed by the K. his Mother, his Eldest Son, Kinede K. of Albanie (or Scotland) *Mascusius Archipirata*, the 2 Archbishops, 6 Bishops, 6 or 7 Abbots, another Bishop, 3 Dukes, 4 Ministri. It grants (or confirms) to that Monastery an Exemption from Episcopal Jurisdiction; and I take it to be spurious.

To the Abby of Peterborough, An. 972. (extant in the Saxon Chron.) Sign'd by the K. the 2 Archbishops, 3 Bishops, 3 Abbots, 4 Dukes, and several other famous Men.

(a) Ibid. p. 865. (b) Ap. Ingulphum p. 47. (c) Ap. Hist. Eliensem p. 518, 520. (d) Monast. Tom. i. p. 17. Spelman Tom. i. p. 483. Malmesb.

To the *Abby of Thorney* (a) An. 973. Subscribed by the K. the 2 Archbishops, 3 Bishops, 3 Abbots, 4 Dukes, 3 *Dapiferi*, 21 others, whose Titles are not express't.

To the *Abby of Glaston*, (b) the same year, Sign'd by the K. the Archbishop, *cum multis aliis*.

To that of *Malmesbury* (c) An. 974. Subscribed by the K. the 2 Archbishops, 3 Bishops, 3 Abbots, 3 Dukes, & *alii*.

To the Monks of *Winton* (d) An. 975. Subscribed by the K. the Archbishop, 3 Bishops, 3 Abbots, 3 Dukes, 3 *Ministri*.

There are other Charters extant in K. *Edgar's* Name, which were either forged, or the Date is falsly printed, as

One to *S. Paul's* (e) *London*, An. 867. *cum consilio atque consensu Episcoporum meorum, & sapientum meorum*. Sign'd by the K. Archbishop *Odo*, 3 Dukes, a Bishop, 2 Dukes more, another Bishop, then 5 Dukes more, a *Minister*, an Abbot, a *Presbyter*, 2 *Ministri*, another *Presbyter*, then 5 *Ministri* more.

Another to the Nunnery of *Wilton* (f) An. 874. Sign'd by the K. the 2 Archbishops, 7 Bishops, 10 Abbots, 4 Dukes, 16 *Ministri*.

By *Q. Egelfred* (g.) *K. Edgars* Wife, to *St Pauls* (in *Saxon*) Subscribed by the 2 Archbishops, and the Bishop of *London*, 3 Abbots, 3 *Aldermen*, (i. e. *Earls*) a *Thane*, a *Præpositus*, a *Regis Thanas*.

By *K. Ethelred*, to the *Abby* of (h) *Tarwistock*, An. 981. *optimatum meorum consilio*. Subscribed by the K. the Archbishop of *Cant.* the Kings Mother, the Archbishop of *York*, the Bishop of *Poictou*, 10 other Bishops, 6 Dukes, 15 *Ministri*

(a) *Monast. Tom. 1. p. 243.* (b) *Tom. 2. p. 829.* (c) *Ap. Ingulphum.* (d) *Tom. 1. p. 38.* (e) *Tom. 3. p. 302.* (f) *Tom. 2. p. 865.* (g) *Tom. 3. p. 303.* (h) *Tom. 1. p. 218.*

To the Monastery of *Shaftesbury*, (a) An. 984. Sign'd by the K. the 2 Archbishops, 10 Bishops, 4 Dukes, 16 *Ministri*.

To that of *Glaston*, (b) An. 987. Sign'd by the K. and the 2 Archbishops.

To that of *Selesey* (c) An. 988. Sign'd by the K. the 2 Archbishops, 2 Bishops, &c.

To the Bishop (d) of *Cornwal*, An. 994. Sign'd by the K. the Archbishop, 5 Bishops, 4 Dukes, 4 Abbots, 5 *Ministri*.

To the Bishop of *Shireburn* (e) *de consilio meorum Principium seu Nobilium*: Subscribed by the 2 Archbishops, several Bishops, Abbots, and Noblemen.

By *Wulfrun*, (f) Foundress of the Monastery of *Wulverhampton*, to that Monast. An. 996. *Sigerich Metropolitane urbis Archiepiscopus, cum omni Dominico ovile incunctanter Deo servientium Satrapis, Ducibus, Principibus, Judicibus, & OMNI CONCILIO CHRISTIANORUM.*—*Hac namque decreta Sigerich Archiepiscopus in placito coram R. Ethelredo, & Eboracensi Archiepiscopo, & omnibus Episcopis, Abbatibus regionis Britanniae, seu (&) Senatoribus, Ducibus, & POPULO terrae proposuimus, & illi—se in omnibus custodire devoverunt.* Subscribed by the K. the 2 Archbishops, 12 Bishops, 11 Abbots, 2 Dukes, a Deacon, 3 Dukes more, an Earl, 5 *Ministri*. *His quoq; saluberrimis ammonitionibus PRESBYTERIS, DIACONIBUS, & Abbatibus Monasteriorum, Judices, Optimates, & Nobiles uno ore consentimus, & subscripsimus.* The year of our Lord, and the *Indiction* in this Charter do not agree.

(a) P. 216. (b) Tom. 2. p. 841. (c) Tom. 3. p. 121.
(d) Tom. 1. p. 227. (e) Ap. Angl. Sac. Tom. 1. p. 170. (f)
Monast. Tom. 1. p. 588.

Synods and Councils in the 11th Cent. before
the Conquest.

ABout the year 1002. K. *Æthelred* granted a Charter to *Christ-Church* in *Cant.* by which he expells the *Canons*, and puts *Monks* in their places. It runs in his Name, but is sign'd and confirm'd by *Alfric* Archbishop of *Cant.* 7 Bishops, 6 Abbots, 4 *Aldermen* (or *Earls*) with divers others, whereof one calls himself *Domini mei Dapifer*; another, *Minister Regius*, a third, *à re Vestiaria Minister*; a 4th, *Minister Regis & a Consilijis*. In the ancient Latin Copy, the *Aldermen* are styled *Dukes*, and all the rest simply *Ministri*.

An. 1007. K. *Ethelred* and the *Senatus Anglorum*, not knowing what course to take to oppose the *Danes*, resolv'd *communi deliberatione*, to purchase peace with the sum of 30000 *l.* says *Bromton*. Of several of these Councils held, An. 1002, 1006, (or 1007,) 1010, 1011, 1012, 1014. I have taken notice already at the end of the foregoing Century.

The Canons of the Council of *Ænham*, which was circa An. 1009. are entituled, *The Decrees of the Wise*, and run in the name of the learned of England: *He sunt constitutiones quas tulerunt Angli eruditi, elegerunt etiam & edixerunt, instanterq; docuerunt observandas. In primis hortantur Episcopi, ut qua possumus festinatione a peccatis revertamus omnes.—Decernunt etiam Sapientes—Obsecramus & docemus—volumus etiam & obsecramus, &c.* By whom they were made, the Preface to the old Latin Translation informs us, *Quodam tempore contigit ut Regis Æthelredi edicto concrepante*

crepante, Archipræsulumq; Ælfeahi & Wulfstani hortatu instigante, universi Anglorum Optimates Die sancto Pentecostes ad locum ab indigenis Eanham nominatum, acciti sunt convenire, &c. In the same Latin Edition they are entituled *Synodalia Decreta*, though they were made by the King in a great Council of the Nation; and some of 'em do not relate to *Ecclesiastical* Matters. *Malmesbury* expressly says, *they were made by K. Æthelred.*

Sir *H. Spelman* in his Notes on this Council observes, that sometimes the same Convention is call'd *Regalis*, with respect to the *secular* Affairs treated of in it, and *Synodalis*, with respect to *Ecclesiastical* Affairs: As by *Sigebert*, ad An. 1031. *Hoc tempore jussu Conradi Imp. Regali & Synodali conventu apud Triburias, inter cetera Episcopi hoc capitulum decernere voluerunt, ut &c.*

K. Ethelreds Laws consist of 5 parts, according to the several Councils, in which they were made. One was that of *Eanham* above mention'd; another was held at *Woodstok*; a 3d at *Venetingum* (or *Wantage*); a 4th we know not where, when he made a League with the *Danes*; a 6th at *Haba*; the Laws of which Council are, as well as those of *Eanham*, partly *Civil*, and partly *Ecclesiastical*. The Title of those made at *Woodstok*, is thus: *Hoc est consilium quod Ethelredus Rex & sapientes sui condixerunt ad emendationem & augmentum pacis apud Woodestocam in Mircena landâ i. e. in terrâ Mircenorum, post Angliæ lagam hoc est.* The Title of those made at *Wantage*: *Hæ sunt leges quas Ethelredus R. & sapientes sui constituerunt apud Wenetyngum, &c.* Of those made at the time of the League: *Hæc sunt verba pacis & prælocutiones quas Ethelredus R. & omnes sapientes ejus cum exercitu firma-verunt, qui cum Analano & Justino & Gudermundo Stegiani filio venit.* The first Law begins thus: *Hoc imprimis ut pax mundi stet inter*
Et helre-

Ethelredum R. & omnem populum ejus, & omnem exercitum cui Rex pecuniam suam dedit, post elocutiones quas Sigericus Archiepiscopus, & Ethelredus Aldermannus, & Ealfricus Aldermannus fecerunt, postquam impetraverunt a Rege quod possent illis portiunculæ pacem emere, &c. The Title of those made at Haba: *Hæc instituerunt Ethelredus & sapientes ejus apud Habam.* Bromton, out of whom I have taken these Inscriptions, mentions nothing at all of the Laws made at Canham, or of the Council held there. There was another Council in which K. *Ethelred* made certain Laws, held at Brandon or Brundon, which is mention'd in the Laws of the Councils of Woodstock and Wantage.

Ailfred, in the Life of K. *Edward* the Confessor, tells us of a great Council of Bishops, Lords and Commons, who met together to consult of the grand Affairs of the Kingdom under K. *Ethelred*, whilst the Confessor's Mother was with Child, and pitched upon him, before he was born, though he had two Brothers then living, to succeed his Father. *Fit magnus coram Rege Episcoporum Procerumq; conventus, magnus plebis vulgique concursus, & quia jam futuræ cladis indicia sæva præcesserant, agitur inter eos de regni statu tractatus. Deinde Rex successorem sibi designare desiderans, quid singulis quidve omnibus videretur explorat, &c.* 'Tis pity the Author should have made himself here of no authority, by the Miracle which he tells us of in K. *Ethelreds* foretelling to the People, that his 2 Sons already born would not live long.

An. 1015. was a Great Council at Oxford, under K. *Ethelred*; where Duke *Eadrid* murder'd the Thanes, *Sigeferth* and *Morcer*, and the K. seiz'd on their Estates, as the Saxon Chron. tells us. Florence and

and Henry of Huntindon give it the name of a *Magnum placitum*. Malmesbury calls it *Magnum concilium*. Higden and Knyghton call it a *Parliament*, and say, that the English and Danes were there made friends, and enter'd into an agreement to observe the Laws of K. Edgar. Hoveden says the same: But they make it to be held An. 1018. under K. Canut. Matthew of Westm. Anno 1015. *Magnum apud Oxoniam colloquium Anglorum pariter & Danorum congregatum est, &c.*

Among the Laws of Malcolm Mackemeth K. of Scotland, who lived about this time, one is concerning the Fees that ought to be paid to the Chancellor and his Clerk, for a Presentation to a Living or to a Hospital.

There are also some Ecclesiastical Laws amongst those of Maccabæus K. of Scots, who flourish'd not long after.

An. 1017. K. Ethelred being dead, the Bishops, Abbots, and Proceres terræ, rejected his Family, and proclaim'd Canut their King at Southampton, says Higden, lib. 6. But the Saxon Chron. says, that all the Proceres which were in London, and the Citizens chose Edmund King. Florence of Worcester, and out of him Hoveden: *Post cujus mortem Episcopi, Abbates, Duces, & quicq; nobiliores Angliæ, in unum congregati, pari consensu, in Dominum & Regem sibi Canutum elegere, & ad eum in Southamptonia venientes, &c. At Civēs Londonienses, & pars Nobilium, qui eo tempore consistebant Lupdoniæ, Clitonem Eadmundum unanimi consensu in Regem levavere. Matthew of Westm. and (a) Rudborne, Maxima pars regni tam Clericorum quam Laicorum in unum congregati pari consensu Knutonem in Regem elegerunt, &c. Knyghton says he was chose by the Proceres regni cum Clero.*

(a) Hist. Wint. c. 15.

The same year the Kingdom was divided between Canut and Edmund Ironside, *universis Angliæ Primatibus assensum præbentibus, inter se conventionem*, says the Interpolator of the Confessors 35th Law: Which Convention was at a place call'd *Deorhytt* (a) on the River Severne.

K. Edmund being murder'd soon after, Canut commanded *Episcopos & Duces, necnon & Principes, cunctosque Optimates gentis Angliæ, Lundoniæ congregari: Qui cum venissent ante eum, quasi nesciens interrogavit eos sagacissime, qui fuerunt testes inter eum & Edmundum, quando conventionem amicitiae & divisionem regni inter ipsos gesserunt, Qualiter, &c.* Florence An. 1016. and out of him *Hoveden*. So *Higden* ad An. 1018. *Apud Londonium concilio coacto, quærit a Proceribus, &c.* The History (b) of Ely says, he was made King after Edmunds Death, *ab omni Anglorum POPULO*.

An. 1020. K. Canut returning into England, held a great Council in Easter-week at *Cyrcæster*, mention'd by the *Saxon Chron.* and by that of *Mailros*. And here in this Council we have an Instance of a Criminal Proceeding; for, as the *Saxon Chron.* tells us, Duke *Ethelwold* was therein Outlawd. It's mention'd also by *Hoveden*, (c) who calls the place corruptly *Chirencestre*.

In a Charter (d) granted by K. *Will.* the Conqueror to the Abby of *Bury*, it is said, that K. Canut drove out the secular Clergy, and put in Monks there; *cum communi consilio Archiepiscoporum, Episcoporum, & Optimatum suorum*. This was the same year, viz. 1020. as appears by a Register (e) of that Abby.

(a) Florence Wigorn. an. 1016. *Hoveden*. p. 250. (b) L. 2. c. 21. (c) p. 250. b. (d) *Monast. Tom. 1. p. 289.* (e) P. 250. b.

Among the Laws of that King, there are a great many purely *Ecclesiastical*, which were made for the most part in a Parliament held at *Winchester* in the *Christmas* Holy-days. The Preface of his *Ecclesiastical* Laws is this: *Consultum quod Canutus Anglorum, Dacorum, & Norwegiensium Rex, ex Sapientum consilio, ad Dei immortalis gloriam, Regiæ Majestatis ornamentum, & Reip. utilitatem, Nataliciis Domini nostri Jesu Christi diebus Wintoniæ sancivit.* Of those which relate to *Secular* Matters, this: (according to the old Translation) *Hæc est institutio Legum secularium quam communi sapientum meorum consilio per totam Angliam teneri præcipio.* *Malmesbury* (a) says, he commanded all the Laws which had been made by the ancient Kings, and especially by K. *Ethelred*, to be for ever observed, *sub interminatione regiæ multæ.*

Wallingford in his Chronicle, seems much displeas'd with *Canut* for the Laws which he made, tho' he scarce (I suppose) knew why. He was rather (if we will take his Judgment) an Enemy of the English than their King; for he presently changed their written Statutes and Laws; and would not hearken to any of those Statutes of the Good and Just King *Alfred*; but all those Things which He and his Successors had ordained, he studied to reduce to his own Will. The Laws which he made were so far from being disliked by the English, that even after his time under *Edward the Confessor* they were receiv'd and observ'd.

In a MS. once belonging to the *Monastery* of *Bury*, that *Monastery* is said to be exempted from all *Episcopal* Jurisdiction by K. *Canut* in a Great Council or Parliament: And this Account is subjoin'd to the Laws he made in the Council of *Winchester*.

(a) l. 2. c. xi.

Rex Canutus anno regni sui 5.—cunctos regni sui Prælatos Procuresq; ac Magnates ad suum convocans Parliamentum, in suo publico Parlamento, persistentibus personaliter in eodem Wulstano & Adelnodo Archiepiscopis, & Ailwino Episcopo Elmhamense, & aliis Episcopis, ipsorum Suffraganeis, 7 Ducibus, cum totidem Comitibus, necnon diversorum Monasteriorum nonnullis Abbatibus, cum quamplurimis gregariis militibus, ac cum Populi multitudine copiosa, ac omnibus tunc in eodem Parlamento personaliter existentibus, votis Regiis unanimiter consentientibus, præceptum & decretum fuit, Quod Monasterium S. Edmundi, &c.

This Description of a Parliament, tho' it be produced by no less a Man than the Lord Chief Justice Cook, I take to be nothing but a pure Fiction of some Monk of that Abby. For as it is certain, that the Author liv'd at least 130 Years after, so I doubt not, (as I have elsewhere said) but all those Charters in which Exemptions are pretended to be granted before the Conquest, are spurious. He adds, that K. Hardicanut, Son to K. Canut, *cum laude & favore Ægelnode Dorobernensis, nunc Cantuariensis, & Alfrici Eboracensis Episcoporum, aliorumq; Episcoporum Suffraganeorum, necnon cunctorum regni sui mundanorum Principum descriptum constituit, roboravitq; præceptum*: when it evidently appears, that Archbishop Ægelnold died before K. Hardicanut's Reign, and that Hardicanut was crown'd by Archbishop Eadsius, his Successor. The Chronicle of Mailros ad an. 1032. speaks thus of K. Canut and that Monastery. *Ecclesia S. Edmundi R. & M. dedicata est, in qua Rex Canutus communi consilio Præsulum & Optimatum suorum, ejectis Presbyteris secularibus, Monachos imposuit.* His Charter to that Monastery is extant; of which by and by.

K. Canut

K. Canut being dead, *an.* 1035. *convenerunt apud Oxoniam ad Colloquium Proceres regni, ut de novo Rege creando tractarent ibidem*, says *Westminster*. There *Leofric* Earl of *Chester* and the *Danish Princes* in conjunction with the *Londoners*, chose *Harold*; but *Godwin* Earl of *Kent*, with the *Princes of West-Saxony* pitch'd upon *Hardicanut* or *Hardecnut*, another Son of *Canut*, at that time absent in *Flanders*.

The *Saxon Chron.* tells us, That there was at that time a Convention of all the *Proceres* at *Oxford*, and that *Harold* was chose King by Earl *Leofric*, and the *Mariners* of *London*, and almost all the *Thanes* on the North of the River *Thames*.

K. *Harold* dying, *an.* 1040. the *Proceres tam Anglorum quam Danorum*, as *Westminster* says, sent to *Hardicanut* to invite him over to take the Crown.

He dying 2 Years after, *Edward the Confessor*, his Brother by the Mother's side, was chosen King *annuente Clero & Populo*, says *Westminster*. *POPULUS UNIVERSUS elegit Eadwardum in Regem apud Lundene*, says the *Saxon Chron.*

An. 1044. in *August*, a General Council was celebrated at *London*, wherein *Wlmar* a Monk of *Evesham*, was chosen *Abbot* of that Place. *Simeon Dunelm.*

An. 1047. a Great Synod was held at *London*, in *Mid-Lent*.

An. 1052. It was decreed by the K. and his *Proceres*, that a Fleet should be equipped at *Sandwich*. *Chron. Sax.*

He married *Edith*, Earl *Godwin's* Daughter, *de communi consilio Procerum suorum*. *Bromton.*

He gave the *Danes* leave to live in *England*, *per commune consilium totius regni*. The Interpolator of his 35th Law.

Herman Bishop of *Salisbury* having a mind to remove the Seat of his Bishoprick to the *Abby* of *Malmes-*

Malmesbury, and petitioning the K. for leave, the K. *juxta consilium Procerum* refused to grant it him. Bromton.

In the 20th Year of his Reign, Chr. 1062. *Stigand* Archbishop of Canterbury was suspended by 2 Legats sent hither by the Pope. *Idem*, & *Hoveden*.

At the same time *Wulstan* being consecrated Bishop of Worcester by *Aldred* Archbishop of York, lest that should be brought as a Precedent in Prejudice to the See of Canterbury, the Archbishop of York, *coram Rege & regni Optimatibus* was oblig'd to declare, that he would never pretend to any Power over him on that account.

Bromton (a) tells us, That Earl *Godwin* being prosecuted by the Lords for the Murder of *Alfred*, Son to the late K. *Ethelred*, and Brother to the Confessor, fled into Denmark, and upon the Confessor's coming to the Crown, return'd to London, *ubi Rex & omnes Regni Magnates ad Parliamentum tunc fuerant*. Being introduced to the K. to be reconciled to him, the K. accuses him of the Murder: he denies it, and refers himself to the Judgment of his Court. *Super hoc pono me in consideratione Curie vestræ*. The K. refers the Matter to the Judgment of the Lords. *Tunc dixit Rex, Karissimi Domini, Comites, & Barones terræ, qui estis homines mei ligii, modo hic congregati, & appellum meum responsurum; Godwini audistis, volo quod inter nos de istâ appellatione relictum judicium decernatis, & debitam justitiam faciatis*. This said, the Earls and Barons (*i. e.* the *Thanes*, which amongst the Saxons, answer'd to those whom the Normans call'd Barons) took cognizance of the Cause, and came at last to this Resolution, that 12 Earls, his Friends and Relations, should make his Peace with the King, by presenting him with a

(a) Col. 937.

great Sum of Gold. *Quorum considerationi Rex contradicere nolens, quicquid judicaverant per omnia ratificavit.* The Saxon Chron. ad an. 1052. mentions the same thing, tho' not with the same Circumstances. *Tum indictum est magnum Concilium extra Lundoniam, atq; omnes Comites, ac viri qui essent in hac terrâ nobilissimi aderant isti Concilio. Ibi sermonem instituit Godwinus Comes, & purgavit se ibi, coram Edwardo Rege suo Domino & coram UNIVERSA GENTE.*

Others, as Bromton himself owns, tell a quite different Story, and say, That the Earl in the Reign of K. Hardicanut, before the Confessor came to the Crown, *coram Proceribus regni, licet falso, se purgavit.*

Another Instance of a Criminal Proceeding in the Great Council, or *Witena Gemot*, we have in the Year 1047. All the *Proceres* were summon'd to meet at Gloucester. It was there agreed between them and the K. that at Mich. following, *secundâ vice celebraretur omnium Procerum Concilium Londini.* There Earl Swegen was Outlawed, and Earl Godwin, and Earl Harold, were summon'd to make their appearance. They appear; and being call'd into the Council, demand Security for their safe going to and from the Council. They are again commanded by the K. to come to the Council with 12 Men accompanying them, and insisting again on Security, they are commanded to depart the Kingdom within 5 Days. *Chron. Sax.*

Another Instance of a Criminal Proceeding, we have in the 13th Year of the same Reign; when in a Council at London, Algar, Son to Earl Leofric, was banish'd for High-Treason. *Florence of Worcest. an. 1055. Hoveden, Bromton.*

In one of the Confessor's Laws (as they are wont to be called) viz. the 8th, which speaks of Bees, how Tythes ought to be paid of them and other things

things, it is said: *Hæc concessa sunt à REGE BARONIBUS, & POPULO.*

After Edward the Confessor's Death, Harold, Son to Earl Godwin, was chosen King à totius Angliæ Primatibus, says Florence, and after him the (a) Hist. of Ely, and Hoveden.

He is said, in the same History, and in Hoveden, and in Simeon Dunelmensis, to have begun to make certain new Laws, as soon as he came to the Crown. *Qui mox & regni gubernacula accepit, leges iniquas destruere, æquas cæpit condere.*

About these Times, or a little before in the Reign of K. Canut, Josephus Bishop of Landaff, in a Synod of his Clergy de majori gradu usq; ad inferiorem, excommunicated the Welch King Mowic for violating a Sanctuary.

And some 20 Years after that, Herguald, Bishop of the same place, in a like Synod, excommunicated the King's Family for offering Violence to certain Persons in a drunken Fit.

I have taken no notice of the Canons, which go under the Title of *Alfrici Canones ad Wulfnum Episcopum*: They were never enacted, but only drawn up in the Form of Canons: Nor of those which are call'd *Capitula incertæ editionis*: which Collection also I take to have been never promulgated.

(a) L. 2. c. 43.

Charters granted (or pretended to be granted) in the 11th Century, before the Conquest.

BY K. Ethelred, to the Monast. of Shaftesbury (a) an. 1001. Sign'd by the K. the 2 Archbishops, 6 Bishops, the Kings 6 Sons, 7 Bishops more, 7 Abbots, 4 Dukes, 10 Ministri.

To that of Wherwell (b) an. 1002. Subscrib'd by the K. his 6 Sons, the Archbishop, 12 Bishops, 12 Abbots, 3 Dukes, 15 Ministri.

To that of Burton (c) an. 1004. Sign'd by the K. the 2 Archbishops, 10 Bishops, 12 Abbots, 3 Dukes, 21 Ministri.

To that of Ely (d) the same Year: Subscribed by the K. and his Sons, the 2 Archbishops, 5 Bishops, 6 Abbots, 3 Dukes, 9, whose Title is expressed by the Letter M; whether Ministri or Milites, is uncertain.

To that of Eynsham (e) an. 1005. Sign'd by the K. his 7 Sons, the Queen, the 2 Archbishops, 12 Bishops, 16 Abbots, 3 Dukes, 44 Ministri.

To St. Paul's in London (f), *una cum Emma Reginâ, & cum Principibus meis, coram conventu Dei Sacerdotum.*

To the same (g); Subscribed by the 2 Archbishops, the Bishop of London, an Abbot, 3 Dukes, 2 Sarape Regis, a presbyter, a Diacon, then another Presbyter.

(a) Monast. Tom. 1. p. 217. (b) p. 258. (c) p. 270.
 (d) Ap. Hist. Elen. (e) p. 261. (f) Tom. 3. p. 303.
 (g) Ibid.

By K. Canut or Knut, to the Church of York, *an.* 1013. Sign'd by the K. the Queen, the 2 Archbishops, 3 Bishops, 4 Dukes, Osgod Clapa. &c.

To Christ-Church at Cant. Sign'd by the Archbishop of Canterbury, the Queen, the Archbishop of York, 3 Bishops, a Princeps Regis, a Duke.

To the Monast. of Exeter (*b*) 1019. Sign'd by the K. the 2 Archbishops, 10 Bishops, 10 Dukes, 13 Abbots, 26 Ministri.

To that of Ely (*i*), Subscribed by the K. and Queen, the 2 Archbishops, a Danish Bishop, 10 other Bishops, 8 Abbots, 3 Earls, 5 M. (Ministri or Milites,) 5 Satrapæ.

To that of Abbotsbury, (*k*) 1024. *horum consilio & testimonio quorum nomina hic infra habentur.* Subscribed by the K. the Archbishop, 4 Bishops, 3 Dukes, 5 Abbots, 3 Presbyters, 20 Ministri.

To that of Glaston (*l*) 1032. *cum consilio & decreto Archipræsulis nostri Edelnothi, simulq; cunctorum Dei Sacerdotum & consensu Optimatum meorum, promulgata, in lignea basilica.* It grants an Exemption.

To that of Croyland (*m*), the same Year: Signed by the K. the 2 Archbishops, 3 Bishops, 3 Abbots, 2 Earls, Earl Leofric's Brother and Son, Earl Godwin's Son, and 2 Ministri Regis.

To S. Paul's in London (*n*), *testantibus Episcopis, & Comitibus, & istius terræ Principibus.*

To the Monastery of Bury in Suffolk) *cum consilio & decreto Archiepiscoporum, Abbatum, Comitum, ALIORUMQ; OMNIUM FIDELIUM.* Subscribed by the K. the Queen, the 2

(*b*) Tom. 1. p. 129. (*i*) Ap. Hist. Eliensem. (*k*) p. 277. (*l*) Ap. Malmesb. Gest. Reg. 11. (*m*) Ap. Ingulphum p. 59. (*n*) Monast. Tom. 3. p. 303.

Archbishops, 6 Bishops, 7 Knights, 7 Abbots, 5 others, whose Titles are not express'd.

This *Charter* the worthy Mr. Petyt has thought fit to produce as one of his *Material Records*, in his *Treatise, Of the ancient Right of the Commons of England*. In a Register of that *Abby*, it is said to be granted *cum assensu & decreto regni Dominorum Spiritualium & Temporalium in suo pleno Parlamento*. Mr. Petyt's Adversary, Dr. Brady (b), allows of the Record; but answers, that by *Fideles*, not all his Subjects, but only his *Thegns*, or *Thanes*, and *Feudal Nobility* are to be understood. I find the same Charter mentioned by Bromton in his (c) *Chronicle*. I find it also confirmed by an *Inspeximus* (d) of K. Ed. II.

But notwithstanding all this, I have the same Opinion of it that I have of the *above-mentioned Account of the Parliament*, in which the Privileges of that Monastery are said to be granted by K. Canut. I rejected that Account as a Fiction of the Monks of that Place, as well because it mentions an *Exemption* from *Episcopal Jurisdiction*, as for other Things. For the same Reason I reject the *Charter* it self, because there too an *Exemption* is pretended to be granted. But neither is that all I have to say against it. 1. It makes *Wulstan* Archbishop of *York* subscribe before *Egelnoth* Archbishop of *Canterbury*: Which I take to be a certain sign of Spuriousness. It was forged by some Monk of that *Abby*, who was born, and had formerly lived within the Province of *York*. Among so many Charters which I have seen, there are not above 3

(a) Ibid. p. 290. (b) Appendix to his Introduction, p. 50.
(c) Col. 892. (d) Monast. Tom. 1. p. 287.

or 4 Instances (a) of that kind. All which I account Forgeries, and some of 'em have other Indications of their being so. 2. In this Charter the Archbishop of Canterbury is made to write his Name *Athelnothus* (b); or, as it is in the *Inspeximus*, *Adelnodus*; whereas his true Name was *Egelnothus*: And so he writes it in a Charter extant in *Ingulphus*; and in 3 (c) other Charters, whereof one is in *Saxon*, his Name is so written; as it is also by (d) *Osbern*. a Monk of Canterbury, who flourished within 30 Years after him. In (e) *Malmesbury* he is called *Egelnodus*. It is only the more Modern Authors that write his Name *Athelnothus*, by whom the Forger was deceived. To these things I might add, that *Britwaldus*, one of the Subscribing Bishops, is not to be found amongst the Bishops that were Cotemporary to the 2 Archbishops *Egelnothus* and *Wulstan*. Its being confirm'd by an *Inspeximus* of K. *Ed. II.* is no Argument at all of its being genuine; for they were easily imposed upon. So one of K. *Ethelbert's* Charters, so indubitably spurious as it is, stands confirmed by an *Inspeximus* (f) of K. *Ed. III.*

(a) One of 'em is notoriously a Forgery, viz. that of Cedwalla to the Monks of Selesey, an. 673. Ap. Monast. Tom. 3. p. 115. A 2d is that of K. Ethelred to the Monks of Eynesham. A 3d is that of K. Canut to the Monks of Hulm, Tom. 1. p. 283. A 4th is that of the same K. to the Monks of Ely, the spuriousness of which is confirmed by the 2 Archbishops their pretending that they subscribed by the Pope's Authority. Another may be seen in Spelman, p. 428. taken out of Ingulphus. But that is only the Librarian's Mistake. For in the last and most correct Edition of Ingulphus (ed. Oxon. p. 35.) the Archbishop of Canterbury is placed first. (b) In Canut's spurious Charter to the Monast. of Hulm he is made to write his Name *Ætheluthus*. (c) Monast. Tom. 3. p. 303, 304. In a Charter of Canut, Tom. 2. p. 84. he is called *Agelnotus*, in another, Tom. 3. p. 130. *Ayelnod*, i. e. *Agelnod*. In that to the Abby of Glaston, he is called *Edelnothus*: But that too grants an Exemption, and is spurious. (d) *Vitâ S. Elphegi*. (e) *De Gest. Pont. I. I.* (f) Monast. Tom. 1. p. 23.

Charters granted by K. Edward the Confessor.

TO the Monks of Gant (a) an. 1044. Subscribed by the K. his Mother, the 2 Archbishops, 12 Bishops, 8 Dukes, 6 Abbots, a Camerarius, 11 Ministri, and 2 others.

(b) To the Church of Exeter, an. 1050. whereby he unites the Bishopricks of Cornwall and Criditon, and places the Seat of the Bishoprick at Exeter: *auctoritate superni Regis, meâ meaq; Conjugis Eadithæ universorum Episcoporum Ducumq; meorum.* Subscribed by the 2 Archbishops, 4 Bishops, 6 Dukes, 3 Abbots, a Presbyter, 3 Nobiles, 9 Ministri.

To the Monks of Otery (c), 1061. Sign'd by K. the Queen, the 2 Archbishops, 3 Bishops, &c.

To those of Waltham (d) 1062. Sign'd by the K. the Queen, the 2 Archbishops, 11 Bishops, 11 Abbots, 5 Earls, 1 Regiæ Procurator aulæ, 1 Regis consanguineus, 1 Regis aulicus, 1 Regis Palatinus, another Regis Consanguineus, Regis Cancellarius, 2 Regis CAPPELLANI, 2 Princes, Regis pincerna, Regina pincerna, 2 Regis dapiferi, Regina dapifer, then 11 Princes more. *Nos Archiepiscopi & Episcopi ad hanc confirmationem congregati, ejusdem hortatu excommunicamus, &c*

To those of Malmesbury (e) 1065. *Cum consensu Episcoporum Optimatumq; meorum.* Subscribed by the K. the Queen, the 2 Archbishops, 3 Bishops, 4 Dukes, 6 Abbots.

(a) Tom. 2. p. 500. (b) Tom. 1. p. 229. (c) Tom. 1. p. 549 (d) Tom. 2. p. 13. (e) Tom. 1. p. 52.

To the Archbishop of York (a); *Wintoniæ in publicâ Curia Natalis Christi in die Festivitatibus S. Sylvestri A. D. 1065*. Whereby he subjects the Bishop of Worcester to that See. Signed by the K. and Queen, the Archbishop of Canterbury, 3 Bishops, a Chaplain, 4 Dukes, &c. Spurious, I suppose.

To the Monks of *Thanet* (b) *cum consensu & Testimonio Episcoporum, Ducum, Principum, & Satellitum meorum*.

To those of *Ramesey* (c) sign'd by the K. the 2 Archbishops, 3 Bishops, the Chancellor, a Notary, 5 Abbots, 4 Dukes, a Chamberlain, and 3 others.

To those of *Stow* (d): Subscribed by the K. the Queen, the 2 Archbishops, 9 Bishops, 4 Earls, 6 Abbots, 3 Stratores, and by *omnes Regis famuli domestici* (1 *Ministri Palatini*) & *ipsius Sacerdotes*. *Et omnium Civium Lincolnensium testimonio, & omnium hominum qui forum sequuntur annum Stowense*. By 4 others, of whom one is styled *Thurgodus Laicus*.

To those of *Hulm* (e): Sign'd by the K. and Queen, the 2 Archbishops, 4 Bishops, 2 Dukes, 4 Abbots, 3 Dukes more.

To those of *Croyland* (f) sign'd by the K. and Queen, the 2 Archbishops, 3 Earls, *cum cæteris Optimatibus meis, qui assunt in Curia mea, multis*.

In his first Charter (g) to the Church of *Westminster* it is intimated, that inferiour Monks and Clergymen, as well as Bishops and Abbots, acted in that Synod which was called on that occasion. *Post hanc donationem Excommunicaverunt omnes Episcopi & Abbates totius Angliæ & Monachi & Clerici eos qui hoc constitutum infringerent*. Subscribed by the K. and Queen, the 2 Archbishops, 8 Bishops, 5 Abbots,

(a) Tom. 3. p. 131. (b) Tom. 1. p. 85. (c) p. 237. (d) p. 263. (e) p. 284. (f) Ap. Ingulphum p. 64. (g) Tom. 1. p. 61. In Spelman p. 629, 230. this Charter is made two.

the Chancellor, 2 Abbots more, 4 Dukes, 6 Ministri, 4 others. *Acta apud Westm. V. Kal. Jan. die Sancto- rum Innocentium A. D. 1066. Indict. 3.*

His other Charter (a) to the same Church, was made (if it be genuine) the same time, *cum consilio & decreto Archiepiscoporum, Episcoporum, Comitum, aliorumq; omnium Optimatum.* Sign'd and confirm'd, next after the K. by the Queen, the 2 Archbishops, 10 Bishops, 6 Abbots, the King's Chancellor, 2 (or 3) of the King's Chaplains, 1 Duke, 4 Earls, 7 Ministri, 5 Knights.

In the *History of Ramesey* (b), there are divers Charters of the same King to be seen, not extant (I think) in the *Monasticon*, whereof one is said to be made *apud Windshoram in iv. die Ebdomadæ Paschalis*: Another at *Westm.* on St. Peter's Day; with but a few Subscribers.

Of King Edward the Confessor's L A W S.

THE *Laws* of K. Edward the Confessor, which are partly *Civil*, partly *Ecclesiastical*, are not therefore call'd His, because all made by Him, but because in his time receiv'd in *England*, being chiefly the same with those of his Predecessors especially of K. Canut.

K. William the Conqueror in the 4th Year of his Reign, by the Advice of his Barons, summon'd all the Great Men of *England*, and such as were

(a) Spelman, p. 632. (b) Cap. 108, &c.

learned in the Laws, to come before him, and to give him an Account of their Laws and Customs. Twelve Men therefore were chosen for every County, and sent up. And from the Account which they gave of their Laws and Customs, a Collection was made, and confirm'd by the Conqueror; and therefore called K. Edward's, because in use before the Conquest in his time.

It is one of the Conqueror's Laws (a), That all should conserve *Legem EDWARDI Regis in omnibus rebus, his adjectis quæ constitui, ad utilitatem Anglorum.* Henry I. in his Edict, which is extant, in *Matt. Paris* (b), and in *Richard the Prior of Hagustald* his Hist. of K. Stephen. *Lagam R. EDWARDI vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit, consilio Baronum suorum.— ea quæ à modo facta fuerint, juste emendentur, secundum lagam R. EDWARDI.* Florence of Worcester (c) says, That K. Henry I. *Legem Regis Edwardi omnibus in commune reddidit cum illis emendationibus quibus Pater suus illam emendavit.* So the Prior of Hagustald, but now cited. K. Henry I. (says he) *bonas Leges & consuetudines R. EDWARDI prædecessoris ac cognati sui restauravit, & prout ei videbatur suâ sapientiâ & auctoritate emendatas & corroboratas in regno suo rigide & constanter tam à divitibus quam à pauperibus observari fecit.*

The Continuator (d) of Florence, and (e) Bromton tell us, That (the same K. Henry I. having imposed upon the Nation certain Laws of his own) the Londoners petition'd the Empress Maud, amongst other things, *ut Leges eis Regis Edwardi observare liceret, quia optimæ erant & non Patris sui*

(a) Ap. Hoveden, p. 343. (b) Vita Hen. I. (c) An. 1100.
(d) Ad an. 1141. (e) Col. 1031.

Henrici, quia graves erant. Verum illa non bono usa consilio, præ nimia austeritate non acquievit eis, unde & motus magnus factus est in urbe, & factâ conjuratione adversus eam, quam cum honore susceperunt, cum dedecore apprehendere studuerunt.

K. John (a) in his Oath which he took when he was absolved by the Bishops from his Excommunication, swore, quod bonas leges antecessorum, & præcipue leges EDWARDI R. revocaret, & iniquas destrueret, &c.

Ingulphus (b) also, who liv'd in the Conqueror's time, calls 'em expressly, The Laws of the most Just K. EDWARD, quas meus inclytus R^x Wilhelmus authenticas esse & perpetuas per totum regnum Angliæ inviolabiliter tenendas, sub pœnis gravissimis proclamarat & suis Justiciariis commendarat.

That Edward the Confessor made certain Laws, is intimated by Hoveden (c), where he tells us, That he promis'd all the People right Law, and banish'd all the Normans, who had invented unjust Laws. The King, say he, and Earl Godwin being at variance, by the Mediation of wise Men, the K. call'd a Council, and restored the Earl to his Honours: Factâ igitur concordia paceq; firmatâ, omni populo rectam legem promiserunt, & omnes Normannos, qui leges iniquas adinvenerant, & injusta judicia judicaverant, multaq; Regi consilia adversus Anglos dederant exlegaverunt. A little after (d) he says, That Harold, Earl Godwin's Son, with many others (in a Council held) at Oxford, banish'd Earl Tostius, with all those who had excited the K. to make unjust Laws, cum omnibus qui legem iniquam statuere illum incitaverant. He also mentions, but Word for Word out of Florence, that Henry I. made K. Edward's

(a) M. Paris, 201. (b) p. 88. (c) p. 254. (d) p. 256.
Laws

Laws common, as they had been corrected by his Father.

Notwithstanding this, I am still of that Opinion, That by the *Laws of King Edward*, we ought to understand, not the Laws which he made, but chiefly (if he made any at all) the Laws which were in use in his time. And the Title it self confirms me in it. *Leges S. Edwardi Regis, quas in Angliâ TENUIT, & quas Willielmus hæres & cognatus suus postea confirmavit.* And the French Edition, which Ingulphus himself procured for his Abby of Croyland, which he tells us was the Original, calls 'em the Laws, not which K. Edward made, but which he kept. *Ces sont les Leis & les Custumes que le Reis Will. grentat à tut le puple de Engleterre apres le Conquest de la terre. Ice les mesmes que li Reis EDWARD son Cofin tint devant lui.* And it evidently appears to be so from that Account which is given in the Preface of the Conqueror's summoning the Great and Wise Men from the several parts of the Kingdom to give him an Account of their Laws and Customs, in order to have 'em confirmed. For had he design'd to confirm only certain Laws enacted by K. Edward, what need of all that? Which Preface is extant not only in the vulgar Edition, but also in (a) Hoveden and in (b) Knyghton.

William of Malmesbury (c) is expressly of my Opinion in the Life of K. Canut. *Omnes leges ab antiquis Regibus & maxime ab antecessore suo Ethelredo latas sub interminatione Regiæ mulctæ perpetuis temporibus observari præcepit (Canut.) In quarum custodia etiam nunc tempore bonorum, sub nomine Regis EDWARDI juratur, non quod ille statuerit, sed quod OBSERVERIT.* Matthew Paris too tells us, in the Life of

(a) P. 343. (b) Col. p. 2355. (c) De Gestis Reg. II. 11. Fre-

Fretheric Abbot of St. Albans, that the Conqueror confirmed not only the Laws which K. Edward had made, but also those which had been made by other Kings his Predecessors. Apud Berkhamsstude post multas disceptationes, præsente Archiepiscopo Lanfranco, Rex pro bono pacis, juravit super omnes Reliquias Ecclesiæ S. Albani, tactisq; sacrosanctis Evangeliiis, bonas & approbatas ANTIQUAS Regni Leges, quas SANCTI AC PII ANGLIÆ REGES, & maxime R. Edwardus statuit inviolabiliter observare.

The same Author in the Life of *Hen. I.* tells us, That he promis'd the States before he came to the Crown, *emendationem Legum, quibus oppressa fuerat Anglia tempore Patris sui & Fratris nuper defuncti*: To which they answered, That they would unanimously consecrate him King, *si animo volente ipsis vellet concedere, & chartâ suâ communire illas libertates & consuetudines antiquas quæ floxerunt in regno tempore sancti Regis EDWARDI.* And (a) Henry of *Huntindon* says, That the Normans having conquer'd the Britains, granted them Liberty and their ancient Laws. *Libertatem legesq; antiquas regni jure concesserunt.*

We are told by *Higden* (b) That the first that made Laws here in Britain, was K. *Dumwallo Molmucius*, whose Laws were call'd *Leges Molmucinae*, and were famous even to the Conqueror's time. Next to him was Queen *Marcia*, Wife to K. *Gintelin*; who made certain Laws call'd *Lex Marcia*. The Laws of both these Princes *Gildas* the Historian translated out of the British Tongue into Latin, and K. *Alfred* out of Latin into Saxon; which were called *Merchenelaga*. He added Laws of his own, which were called *Wessepenelaga*. After him the Danes made other Laws, which were called *Danelaga*. *Ex his tribus Legibus* (says he)

(a) Prologo libri 5. (b) Polychron. l. 1.

Edwardus tertius unam Legem communem edidit, quæ Leges Edwardi usq; hodie vocantur. The same fabulous Account we have in (a) Rudborne; and much the same in Bromton (b), who adds; That by the Laws called *Mercenelaga*, i. e. the Law of the Mercians, 8 Shires, or Provinces, were governed, viz. those of Gloucester, Worcester, Hereford, Salop, Chester, Stafford, Warwick, Oxford. That the Saxon Laws were superadded by K. Ine; to whose Laws K. Alfred added others called *Westsaxenelaga*. i. e. the Law of the West-Saxons; by which the 9 Southern Shires were governed, viz. Kent, Sussex, Surry, Barks, Wilts, Hampshire, Somerset, Dorset, Devon. Afterwards the Laws call'd *Denelaga* were made by the Danes; by which were governed the 15 Eastern and Northern Counties, viz. Essex, Middlesex, Suffolk, Norfolk, Hartfordshire, Cambridgeshire, Huntingdonshire, Lincolnshire, Nottinghamshire, Derbyshire, Northamptonshire, Leicestershire, Buckinghamshire, Bedfordshire, and Yorkshire. He says, K. Edward disliking that these several Parts of the Kingdom should be governed by different Laws, drew all into one Body, and made 'em all common to the whole Nation. *Leges communes Anglorum genti tempore suo ordinavit, quia per ante Leges nimis partiales editæ fuerunt.* In another (c) place he says: *Plures in Angliâ statuit Leges bonas, quæ pro majori parte adhuc in regno tenentur.*

Others mentioning this threefold Partition of our ancient Laws, make no mention at all of K. Edward, but say, that the Conqueror out of those 3 sorts of Laws, made a Body of Laws for this Kingdom, approving some, and rejecting others, and adding what he thought fit out of those of Normandy. So *Gervasius Tilburienfis*, Nephew to K. Henry II. in his Dialogue *De Scaccario & ejus Officiariis*,

(a) Hist. Wint. (b) Col. 956. (c) Col. 937.

which is extant in MS. in the Bodleian Library and elsewhere : *William the Conqueror* (says he) *decrevit subiectum sibi populum juri scripto legibusq; subicere. Præpositis igitur legibus Anglicanis secundum tripartitam earum distinctionem, hoc est, Merchenlage, Dene-lage, Wæstrenlag, quasdam reprobatit quasdam autem approbans, transmarinas Neustriæ (i. Norman-nie) Leges quæ ad regni pacem tuendam efficacissimæ videbantur, adjecit.*

This threefold distinction of our Laws is mentioned also in the Laws that go under the Name of K. Henry I. cap. 6. *Legis Anglicæ trina est partitio. Alia enim Wæstlarix, alia Mircena, alia Dene-laga.* In the League made between K. Alfred and Godrun the Dane, and in the Laws of K. Canut (a) the *Anglorum laga*, and *Dene-laga* are frequently mention'd ; and tho' the Prohibitions are general, the Fines laid upon the English and Danes in those Laws, are not the same, but according to their own proper Customs. The Mercian Laws too are mentioned sometimes in those of Canut. as Cap. 32. *Hæc sunt jura quæ Rex habet super omnes homines in Mircenis & Wæstlarixâ — in Dene-laga habet, &c.* Agen cap. 97. *Et mediocris Thayni, equus suus apparatu suo, & arma sua, vel suum halsfang in Wæstlarixâ : In Mircenis 2 l. in Eastanaliâ 2 l.* They are all likewise mention'd in those Laws which are call'd K. Edward's.

In the Latin Edition of these Laws called K. Edward's, there is one with this Title: *Lex Noricorum & Danorum in Brytanniâ.* Where it said, that those Laws were observed in Norfolk, Suffolk, Cambridgeshire, Deira (or Northumberland) and in the Islands Carthenensium, Mannensium, Murstensium, &

(a) Ed. Lat. ap. Bromton. Col. 818, &c.

Orchadam & Incbegalensium & Ordacensium, & de Gurth. i. e. those that inhabit the *Marish Country*. The *Interpolator* adds, That the Normans being descended from the Norwegians, the Conqueror had a mind to impose the Norwegian Laws upon the whole Nation. *Quo audito, mox universi compatriotæ regni qui leges edixerant tristes effecti, unanimiter deprecati sunt*, that he would permit them to have their own Laws and ancient Customs, in which their Fathers had lived, and they themselves had been born and bred. The K. remaining inflexible, they conjur'd him by the Soul of K. Edward, who had made him his Heir, and whose Laws they were, not to impose upon 'em the Laws of Strangers. Unde CONCILIO habito, precatu BARONUM tandem acquievit, and consented to confirm K. Edward's Laws (*præ cæteris Patriæ Legibus*;) which (says he) had been first made by his Grandfather K. Edgar, but after his Death had for 68 Years been laid aside, and at last, consilio Baronum, were renewed and revived by him. The same Account, and in the same Words, is in *Horveden* in *Hen. II.* p. 347. And much the same is that which the Chronicle of *Lichfield*, and *Rudborne* in his Chronicle of *Winchester*, have given us. In both which it is said, that the K. at last complied, *ad preces COMMUNITATIS ANGLIÆ*.

Knyghton (a) tells us, that K. Edward, after he was crown'd, *Consilio Baronum & cæterorum regni fecit renovare & stabilire & confirmare bonas Leges quæ fuerunt per 68 annos, inter dormientes soporatæ & quasi oblivioni traditæ.*—*Leges istæ vocatæ sunt Leges S. EDWARDI*; non quia ipsas primo invenerat sed quia quasi sub modio positæ & in oblivione derelictæ à tempore R. Edgari avi sui qui primo manum suam misit ad ipsas inveniendas & statuendas.

(a) Col. 2338.

What they tell us of *Molmucius*, and *Q. Marcia*, that they were the Authors of the *Mercian Laws*, of *Gildas's* translating their Laws into *Latin*, and *K. Alfred's* turning 'em into *Saxon*, is no more than a *Geffry of Monmouth-Story*. It is not at all likely, that the *Saxons* that inhabited those Parts, would be governed by any Laws of the *Britains*. Which were so far indeed from being remarkable for any peculiar Excellency, that the *Britains* themselves of *Wales*, in the Reign of *K. Hoel Dda*, i. e. *Hoel the Good*, rejected 'em, and made a new Body for themselves. The *Mercelaga*, or *Laws of the Mercians*, were doubtless no other than those Laws and Customs, which the *Saxons* of those Parts first brought in with 'em, and which *K. Offa* afterwards enlarged and corrected.

Whether there be any Truth in that which they tell us of *K. Edgar's* Laws, their being revived after 67 or 68 Years by the *Confessor*, I shall not take upon me to determine. He is called by (a) *Gemmeticensis, Anglicarum Legum legitimus restitutor*. Yet it is my Opinion, that the *Danish* Laws were never rejected by him; and my Reason is, because in that Set of Laws which the *Conqueror* confirm'd as the Laws observ'd by the *Confessor*, there is frequent mention made, not only of the *Mercelagae*, and the *West-Saxelagae*, but also of the *Danelagae*.

He that would read the true Copy of *K. Edward's* Laws (or those so called) the Foundation of our present *Common Law*, and of *Magna Charta*, must consult, not the *Latin* Edition publish'd by *Mr. Lambard*, or those extant in *Hoveden*, *Knyghton*, and the *Chronicle of Lichfield*, but the *French* one extant in *Ingulphus*; which is publish'd by *Mr. Selden*, with his *Latin* Translation, in his Notes upon *Eadmer*, toge-

(a) L. c. c. 9.

ther with the rest which have been added by others under K. *Edward's* Name. See *Selden*, p. 171, 172, &c.

To come more home to the Business of *Convocations* and *Parliaments*. In the last Page of the first Volume of *Archbishop Arundel's Register* there is a Note relating to the manner of calling the *Clergy* to *Parliament* in the *Confessor's* Reign; wherein it is intimated, that even in his time, and afterwards by vertue of his Laws, in the Reign of the *Conqueror*, the *Clergy* were represented by 2 *Precursors* sent up from every *Archdeaconry* and *Deanery*; as the *Commons* by their *Knights of Shires* and *Burgesses*.

De modo convocandi Clerum Angliæ ad Parliamentum Regis Edwardi Filii Etheldredi R. qui modus fuit intimatus Willielmo Conquestori, & per eundem observatus, prout patet in Rotulis temporibus dictorum Regum superinde confectis.

AD Parliamentum summoniri & venire debent Archiepiscopi, Episcopi, Abbates, Priores, & alii majores Cleri, qui tenent per Comitum vel Baroniam ratione hujusmodi tenuræ, & nulli minores, nisi eorum præsentia & adventus aliunde quam pro tenuris suis requiratur. Et si sint de Consilio Regis, vel eorum præsentia utilis & necessaria reputetur ad Parliamentum, illis tenetur Rex ministrare sumptus & expensas suas in veniendo & morando ad Parliamentum. Nec debent hujusmodi Cleri (Clerici) minores summoniri ad Parliamentum, sed Rex solebat talibus peritis mandare brevia sua rogando quod Parlamento suo interessent. Item Rex solebat mandare summonitiones suas Archiepiscopis, Episcopis, & aliis exemptis personis, ut Abbatibus, Prioribus, De-

canis, & aliis Ecclesiasticis personis, qui habent jurisdictiones per hujusmodi exemptiones & privilegia separata, quod ipsi pro quolibet Decanatu, & Archidiaconatu Angliæ per ipsorum Decanatus & Archidiaconatus eligi facerent duos peritos & idoneos Procuratores de ipso Archidiaconatu ad veniendum & interessendum Parlamento, ad respondendum, subeundum, allegandum, & faciendum ibidem idem quod facerent omnes & singulæ personæ ipsorum Decanatum & Archidiaconatum, si ipsi & eorum omnes & singuli personaliter interessent, & quod hujusmodi Procuratores, veniant cum Warantis sive Duplicatis sigillo superiorum suorum sigillatis, quod ipsi ad hujusmodi procuracionem electi & missi sunt, quarum literarum una liberabitur Clerico de Parlamento ad Irrotulandum, & alia residebit penes ipsos Procuratores, & sic sub istis duobus generibus summonitionum debet totus Clerus summoniri ad Parliamentum Regis.

This is taken, all but the Title, out of the Treatise *De modo tenendi Parliamentum*; which begins thus: *Hic describitur modus quo Parliamentum Regis Angliæ & Anglorum suorum tenebatur tempore Regis Edwardi filii Ethelredi Regis, qui modus recitatus fuit per discretiores coram Willielmo Duce Normannorum Conquestore & Rege Angliæ, ipso Conquestore hoc præcipiente, & per ipsum approbatus & suis temporibus & etiam successorum suorum Regum Anglorum usitatus.* But here it is more express and particular; for 'tis said, that this Account of the manner of calling the Clergy to Parliament, was taken out of the very Rolls of Parliament of both those Kings.

What shall we say to this? Why after all it is certain, that the whole is a down-right Forgery, and the Treatise *De modo tenendi Parliamentum*, of which this is an Extract, is but little more than a meer Invention, and writ long after the Conqueror's time, about the Reign of Edward III. or but

a little before : Which evidently appears from the Language of it, and from *Officers* (a) and *Characters* mention'd in it, which were not known till longer after the *Conquest*. Neither is it true, which is there intimated, that *Bishops*, *Abbots*, and *Priors* in the *Saxon* times sat in *Parliament* by virtue of their *Baronies*, or *Tenures*, by holding in *Chief* of the King. For *Baronies* and such *Tenures* were first brought into *England* by the *Conqueror*. Neither was the Name of *Priors* known among the *Saxons*. The distinction of *Abbots* and *Conventual Priors* was first brought in (if I am not mistaken) by the *Normans*. Mr. *Selden* assures us, that tho' he had seen many MS. Copies of that Piece, yet he never saw any one that was elder than *Edw. III.*

I know that Treatise is extant in Print, but I have it by me only in MS. and because it is rarely to be met with, I shall here give my Reader, to gratifie his Curiosity (I cannot say, for his Instruction) some other Fragments out of it, which concern the Clergy.

De Gradibus Parliamenti qui sunt sex numero.

REX est Caput, Principium, & Finis Parliamenti, & ita non habet parem in suo gradu, & sic ex Rege solo primus gradus est. Secundus gradus est ex Archiepiscopis, Episcopis, Abbatibus, Prioribus per Baroniam tinentibus. Tertius Gradus est de Procuratoribus Cleri. Quartus Gradus est de Comitibus, Baronibus, & aliis Magnatibus. Quintus Gradus est de Militibus Comitatum. Sextus Gradus est de Civibus & Burgensibus,

(a) See *Selden Titl. of Hon.* p. 739.

major pars concordare non valeant, tunc Comes Senescallus, Comes Constabularius, & Comes Mariscallus, vel duo eorum eligent 25 personas de omnibus partibus regni, scil. duos Episcopos, & tres Procuratores pro toto Clero, 2 Comites, & 3 Barones, 5 Milites Comitatum, 5 Cives, & Burgenses 5, qui faciunt 25. Et illi 25 facient ex seipsis si velint 12 & condescendere in eis, & ipsi 12 condescendere in 6. & ipsi sic adhuc in 3. & condescendere in eis, & ipsi tres se in paucioribus condescendere non possint, nisi obtenta licentia à Domino Rege, & si Rex consentiat, illi tres possint in duos, & de illis duobus alter potest in alium descendere; & ita demum stabit ordinatio sua supra totum Parliamentum, & ita potest condescendere à 25 personis usq; in unam solam personam, nisi numerus major poterit concordare & ordinare, & tandem sola persona, ut dictum est, pro omnibus ordinabit; qui cum seipso concordare non potest; salvo Domino Rege & ejus Concilio, quod ipsi ordinationes hujusmodi postquam scriptæ fuerint examinare & emendare valeant si hoc facere sciant & velint, ita quod hoc fiet ibidem tunc in pleno Parlamento, & de consensu Parliamenti, & non retro Parliamentum.—

Rex non solebat quærere auxilium de Regno suo, nisi pro guerrâ instante, vel Filios suos Milites faciend. vel Filias suas Maritand. & tunc debet hujusmodi auxilium peti in pleno Parlamento & in scriptis cuilibet graui Parium Parliamenti liberari & in scriptis responderi. Sciendum est, quod ad hujusmodi auxilium concedendum oportet, quod omnes Pares Parliamenti consentiant. Et intelligendum est, quod duo Milites qui veniunt ad Parliamentum pro uno Comitatu majorem vocem habent in Parlamento & concedendo & contradicendo quam major Comes Angliæ, & eodem modo Procures Cleri unius Episcopatus majorem vocem habent in Parlamento, si omnes sint cœcordes, quam Episcopus ipse: & hoc in omnibus quæ in Parlamento concedi, negari, vel fieri debent. Et ex hoc patet, quod Rex potest tenere Parliamen-
tum,

tum, licet nullus Episcopus, Comes vel Baro, ad summonitiones suas venerint, quia olim nec fuerat Episcopus, Comes, nec Baro, & adhuc tunc Reges tenuerunt Parliamenta sua. Sed aliter est è contra, licet Communitates Cleri & Laici summoniti essent ad Parliamentum sicut de jure debent, & propter aliquas causas venire nollent, sed prætenderint quod Rex non regeret eos sicut deberet, & assignarent specialiter in quibus articulis eos non bene rexerat, tunc Parliamentum est nullum, licet Archiepiscopi, Episcopi, Comites, Barones, & eorum omnes Pares, cum Rege interessent. Et ideo oportet quod omnia quæ adfirmari, vel infirmari, concedi, vel negari, vel fieri debent per Parliamentum, per communitatem Parliamenti concedi, quæ est ex 3 Gradibus sive generibus Parliamenti, scil. ex Procuratoribus Cleri, Militibus Comitatum, & Burgensibus, quæ repræsentant totam Communitatem Angliæ, & non de Magnatibus, quia quilibet eorum est pro sua propria persona ad Parliamentum & pro nullâ aliâ.

Thus far that bold Writer, who has given us a description not of a true English Parliament, but of a Fancy of his own; such a one as he wish'd for, not such as he found here established. The Lord (a) Coke took that Piece to be of so much Authority, as to argue from thence against the inferiour Clergy's having a Right to sit in Parliament, without considering (as a worthy (b) Person has already observed) that it says the very same of the Commons of England: Et nulli minores Laici summoniri nec venire debent ad Parl. ratione tenuræ suæ, nisi eorum præsentia aliis de causis fuerit utilis vel necessaria ad Parliamentum, & tunc de illis debet fieri sicut dictum est de minoribus Clericis qui ratione tenuræ suæ ad Parl. venire minime tenentur. The Author's Fancy seems to have been, that neither the one nor the other ought to be required to come to

(a) Inst. part 4. p. 5. (b) Rights of Convoc. p. 337.

Two Words more I have to add of these Times of the Saxons, That as they call'd their general State-Meeting *Witena* (or *Wittena*) Gemot i. e. a Convention of the Wise, and *Micel Gemot* i. e. a Great Convention; so an Ecclesiastical Synod they term'd *Cyrkmot*, *Chirgemot*, or *Chirchgemot* i. e. a Church-Meeting, and *Halimot* i. e. a Holy-Meeting : as Sir H. Spelman informs us in his Glossary.

The

The Second P A R T

O F T H E

H I S T O R Y

O F

Convocations, &c.

Of State Councils or Parliaments, after the Conquest ; how far the Clergy were concerned in them.

I Have hitherto given an Account of our *Great Councils*, both *Civil* and *Ecclesiastical*, in one continued History, without putting 'em under two distinct Heads. I intend now to treat of 'em separately : And 1st of our *State-Councils* or *Parliaments*.

It was long after the *Conquest*, about the middle of *Hen. III.* (as is generally suppos'd) before our State-Meetings began to be call'd *Parliaments*, which signifies in French *Colloquium*, or a *Conference*. Before about the middle of *Hen. III.* the usual Words were *Conventus*, *Placitum*, *Concilium*, *Synodus*,
or

or *Colloquium*. It is call'd (I remember) a *Parliament* by *John Bromton* Abbot of *Forval*, in divers places, who is commonly believ'd to have writ in the Year 1198, the beginning of *K. John*, because there his *Chronicle* ends. But it's certain that he wrote a great while after that time. For speaking of *K. Richard's* Death, he quotes the (a) *Chronicle* of *Walter de Gisebourn* concerning the place where he died, as a thing before his time. Yet it appears, that even in the *Conqueror's* time, the *Consistories* of *Abbies* were call'd *Parliaments*. For so (b) *Ingulphus* Abbot of *Croyland* expresses himself, speaking of the Assembly of his Monks: *Qui veniens coram conventu in nostro publico Parlamento*. Among the Articles of Inquiry concerning Religious Houses made in the Reign of *Hen. III.* 1258. recorded in the *Annals* of *Burton* (c) this is one: *An loquantur in Parliamentis nisi sancta & honesta*.

In the *Saxon* times all *Bishops* and *Abbots* sate and voted in the *State-Councils* or *Parliaments*, as such, not on the Account of their *Tenures*. After the *Conquest*, the *Abbots* sate there, not as such, but by vertue of their *Tenures*, as *Barons*; and the *Bishops* sate there in a double Capacity, 1. as *Bishops*, (as they had all along done before) and 2. as *Barons*.

That they sit there as *Barons*, is so evident, that some even of their own Body, have dreamt of no other Right of sitting there, but by virtue of

(a) Col. 1278. In *Cronicis* autem *Walteri de Gisebourn* scribitur, quod *R. Ricardus* non apud dictum castellum de *Caluca*, sed apud memoratum de *Gaillard*, quod in uno anno, ut præscribitur, construxerat, jaculo balistæ occubuit. He cites him agen Col. 1280. (b) P. 103. (c) P. 437.

their *Baronies*. So one of the Bishops of the Parliament of Northampton, *An. 1165. 11 Hen. II.* where Archbishop Becket was condemn'd; as *William Fitz-Stephen* or *Stephanides*, a Monk of Canterbury, who waited upon the Archbishop in those troubles, relates in the Life (a) of that Archbishop: *De proferendo judicio, distantia fuit inter Episcopos & Barones, (so Baro is often used to denote the Temporal Barons) utrisq; alteris illud imponentibus; utrisq; se excusantibus. Aiunt Barones; Vos Episcopi pronunciare debetis sententiam, ad nos non pertinet. Nos Laici sumus; vos personæ Ecclesiasticæ, sicut ille; sacerdotes ejus; Coepiscopi ejus. Ad hac aliquis Episcoporum: Imo vestri potius est hoc officii, non nostri. Non enim est hoc judicium Ecclesiasticum, sed seculare. Non sedemus hic Episcopi, sed Barones. Nos Barones, & vos Barones, Pares hic sumus. Ordinis autem nostri rationi frustra innitimini. Quia si in nobis ordinationem attenditis, & in eo ipso similiter attendere debetis. Eo autem ipso quod Episcopi sumus, non possumus Archiepiscopum & Dominum nostrum judicare.* They alledge the same in their Protestation which they made in Parliament, *11. Rich. II.* upon their withdrawing in a Criminal Cause, recorded in the *Rolls*: *In Dei nomine, Amen: Cum de jure & consuetudine Regni Angliæ ad Archiepiscopum Cant. qui pro tempore fuerit necnon cæteros suos Suffraganeos Confratres & Coepiscopos, Abbates, & Priores, aliosq; Prelatos quoscunq; per BARONIAM de Domino nostro Rege tenentes pertineat in Parliamentis Regiis quibuscunq; ut Pares regni prædicti personaliter interesse, ibidemq; de regni negotiis, & aliis ibi tractari consuetis, cum cæteris dicti Regni Paribus, & aliis ibidem jus inter ssendi habentibus, consulere, & tractare, ordinare, statuere, & diffinire, ac cætera facere*

(a) ap. Seid. *Titles of Hon.* p. 709.

quæ tempore Parliamenti invenerint facienda, &c. Agen, in their Petition presented to the King in Parliament 25 Edw. III. as the *Rolls* shew, the Archbishop of Canterbury and the Bishops of his Province, set forth, for themselves and the Clergy. *Whereas Archbishops and Bishops hold their Temporalities in Chief, and for that are Peers of the Land, as other Earls and Barons, that you will be pleas'd to grant to them, that no Justice for their alone Contempt may hereafter take their Temporalities into the Hand of our said Lord the K. no more than they do of any Earls Lands, as was lately done to the Bishop of Exeter, without any deliberation had with the King's Great Council, or with the Peers of the Land. In the Constitutions of Clarendon, 1164. 10 Hen. II. it is declared (a); Archiepiscopi, Episcopi, & universæ personæ regni, qui de Rege tenent in Capite, habeant possessiones suas de Rege sicut Baroniam; & inde respondeant Justitiariis & Ministris Regis, & sequantur, & faciant omnes consuetudines Regias: &, sicut cæteri Barones, debent interesse judiciis Curie Regis cum Baronibus; quousq. perveniat ad diminutionem membrorum, vel ad mortem.*

But that they sit there not only by virtue of their *Baronies*, but also as *Bishops*, appears from hence, that in the Vacancy of any Bishoprick, the *Custos Spiritualium*, or Guardian of the *Temporalities*, of that Bishoprick was summon'd to sit in Parliament in his stead. And upon the Absence of any Bishop out of the Realm, his *Vicar-General* receiv'd a Summons to represent him in Parliament. Of which Writs or Summons there are divers Instances still standing upon Record in the *Rolls* of Parliament; which may be seen in the *Grand*

(a) Ap. M. Paris, p. 84.

Question, p. 152, 153. And this is acknowledg'd by Mr. Selden (a) himself, who cannot be suspected of being over-partial to Bishops, to be a Relick of the ancient Privilege which they had in the Saxon times to sit in the *Witena Gemots*, or State-Councils, as Bishops, and as they were Spiritual only. To which I add, that the 5 new Bishops now in being, which were made by K. Hen. VIII. viz. Oxford, Bristol, Gloucester, Peterborough and Chester (the 6th was that of Westminster) do not sit in the House of Lords by vertue of any Tenure; for there is no *Barony* annex to their Bishopricks, but as Bishops of those Sees, and by vertue of the King's Writ.

But if Bishops sit in Parliament as Bishops, and not only as *Barons*, how comes it to pass that anciently all *Suffragan Bishops* were, and to this Day the Bishop of the *Isle of Man* is excluded? This is no contemptible Objection; but neither is it difficult to be answered. When I say Bishops sit in Parliament as such, as well as by their *Baronies*, I do not mean that they sit there as *meer Bishops*, that is, as Spiritual Persons that have a Power to Ordain, or confer Holy Orders, and Confirm; but as *Governours of the Church*. This excludes the *Suffragan Bishops*, who were only Assistants to the *Diocesan Bishops*. And the Bishop of *Man* is excluded on this account, because though he has a *Diocese*, as well as the *Parliamentary Bishops*, yet he holds it not from the King, nor ever did, but from a Subject, the Earl of Darby, as King of *Man*.

I am not certain what time that Bishoprick was first instituted, but I believe it to be later than the Conqueror's time; at least it did not belong to Eng-

(b) Titl. of Hon. p. 696

land till long after his time : And its being in the disposal of a *Subject*, and not of the *Crown*, as all other Bishopricks were, when first it was united to this Kingdom, was reason enough not to admit the Bishop to be a Member of the King's Great Council.

The Privilege of Sitting and Voting in Parliament was not given by the *Conqueror* to those that held of him in *Chief*, as a Privilege only, but rather required as a *Service*. For two things they were *bound* to do by their Tenure ; to attend him in his Councils, and to furnish him with so many Soldiers, upon occasion in his Wars, which was called *Knight's Service* or *Serjanty*. That the attending in Parliament was not look'd upon by the Ancients to be so much a matter of *Honor* as of *Duty*, is evident from the Constitution of *Clarendon* above-cited : Which was occasioned by some of the Spiritual Lords their neglecting to come to Parliament, as their Tenure necessarily obliged 'em to do. It was therefore provided, That in all Causes whatsoever, excepting only where *Life* or *Limb* was concerned, in which Church-men are forbid by the *Canon-Law* to be present, they should be obliged to pay their Attendance in Parliament as well as the Temporal Lords, being obliged by the same Tenure, as *Tenants in Capite*. That this is the true meaning of that Constitution, is evident to common Sense, and beyond (a) all contradiction : Tho' somethere have been, that did not understand it, because it was not their Interest to understand it. We have Instances of (b) *Abbots*, who finding it too great a Burden, have desired of the K. when

(a) See the Grand Question, c. 2. (b) See Selden *Tit. of Hon.* p. 73, &c.

summon'd, to be excus'd from coming to Parliament ; as *William de Clown* Abbot of *Leicester* in the Reign of *Ed. III.* and the Abbot of *St. James's* by *Northampton*, who alledg'd before the Lord Chancellor by his Proxy, that he neither held of the King by *Barony*, nor in *Chief*, but in *Frankalmoign*, and neither he nor his Predecessors had been before summon'd ; and so procured an Order to have his Name rased out of the Roll of them that were to be summon'd. The former obtain'd a *Patent*, by Petition in Parliament, to be excused both he and his Successors, from coming to Parliament, because he held not by *Barony*, and his Predecessors had not been summon'd continually, but *interpolatis vicibus* only, after the 49th of *Hen. III.* before which time none of them had been summon'd. And hence it is, that the Author of *Modus tenendi Parl.* would not have the *Commonalty* and *inferieur Clergy*, who held not *in Capite*, to be obliged, but only requested, upon occasion, to come to Parliament ; and that then the King ought to bear their Expences.

A Catalogue of Bishops, and Abbots, and other Ecclesiasticks, who held of William the Conqueror as Tenants in Capite or Serjanty, taken out of the (a) Catalogues of the Tenants in Capite or Serjanty, which are set before each County in Domesday-Book.

A Rchiepiscopus Cant.
 Archiepiscopus Ebor.
 Episcopus London.
 Episcopus Winton.
 Episcopus Dunelm.
 Episcopus Hereford.
 Episcopus Tedfordensis.
 Episcopus Wirecestre.
 Episcopus Rovenfis vel Rose-
 cestrensis.
 Episcopus Cicestrensis.
 Episcopus Excecestrensis.
 Episcopus Sariesberiensis.
 Episcopus Wellensis.
 Episcopus Cestrensis.
 Episcopus Lincoliensis.
 Abbatia de Westmonasterio
 Abbatia (Abbatissa.) de
 Berkinges.

Abbatia de Ely.
 Abbatia S. Edmundi.
 Abbatia † de Bello, sive de
 la Bataigle.
 Abbas S. Benedicti de Ra-
 mesio (vel Remeseiâ.)
 Abbas de Hulmo.
 Abbatia S. Augustini.
 Abbatia Wintoniensis.
 Abbas de Certesj.
 Abbas Glastingeber.
 Abbas Middletunensis.
 Abbatissa de Romefig.
 Abbatissa de Waruuelle.
 Abbatia Wiltuniensis.
 Abbatia Abandoniensis.
 Abbatia S. Albani.
 Abbatissa de Ambresberie.
 Abbas Malmesberiens.

(a) Published by Dr. Brady.

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| <i>Abbatia Creneburnensis.</i> | (b) <i>Monachi Eiscopi Winton.</i> |
| <i>Abbatissa Scefteberiensis.</i> | <i>Monachi Scireburne (Dorset.)</i> |
| <i>Abbatia de Cernel.</i> | <i>Ecclesia Miceleniensis.</i> |
| <i>Abbatia de Abedesberie.</i> | <i>Ecclesia de Buckfesth.</i> |
| <i>Abbatia de Hortune.</i> | <i>Ecclesia de Monte S. Michael.</i> |
| <i>Abbatia de Adelingi.</i> | <i>Ecclesia de Lanbeige.</i> |
| <i>Abbatia de Tavistock.</i> | <i>Ecclesia de Cirecestre.</i> |
| <i>Abbatia de Wincelcumbe.</i> | <i>Ecclesia de Wirecestre.</i> |
| <i>Abbatia de Evesham.</i> | <i>Ecclesia alquorum Sanctorum (in Com. Cornwall.)</i> |
| <i>Abbatia de Glowcestre.</i> | <i>Ecclesia de Bada.</i> |
| <i>Abbatia de Perfore (Per-shore.)</i> | <i>Canonici S. Pauli London.</i> |
| <i>Abbatia de Coventreu.</i> | <i>Canonici S. Martini London.</i> |
| <i>Abbatia de Eglesham.</i> | <i>Canonici de Oxeneford.</i> |
| <i>Abbas de Torny.</i> | <i>Canonici de Bedeford.</i> |
| <i>Abbas de Croyland, vel Creuland, vel Cruiland.</i> | <i>Canonici de Stadforde & Handone.</i> |
| <i>Abbatia de Burg.</i> | <i>Canonici de Waltham.</i> |
| <i>Abbatia de Bertone.</i> | <i>Canonici Eboracenses.</i> |
| <i>Abbas de Eboraco.</i> | <i>Canonici de Tuinharn.</i> |
| <i>Abbatissa de Wincestre.</i> | <i>Clerici de Wrehanton.</i> |
| <i>Abbatissa de Cetriz, vel Citeriz.</i> | |
| <i>Sancta Trinitas de Canteburiâ.</i> | |
| (a) <i>Monachi Archiepiscopi Cant.</i> | |

(a) These are mention'd in the Catalogue of Kent; and by them, according to Dr. Brady's Conjecture, seem to be meant the Monks of the Holy Trinity in Cant. and S. Martin's in Cant. and S. Martin's in Dover. For in the Catalogue of that County there are no other Monks mention'd but the *Archbishops Monks*. (b) Mention'd in the Catalogue of Hampshire; and in them should seem to be comprehended the Monks both of Winchester and Hyde: But the Abbot of Winchester is there distinctly mention'd.

There are divers Norman Bishops, Canons, and Abbots mention'd in the Domesday Catalogues; and one Abbot, I know not where, which is that of Ceterith. Northumberland, Cumberland, Westmerland, and Lancashire, not mention'd in Domesday Survey.

By the *Ecclesiæ* here mention'd, I understand no other than Collegiat or Cathedral-Churches, or Religious Houses. For they are not therefore called *Ecclesiæ* to distinguish 'em from all the rest, but as the Writer thought fit, he calls 'em indifferently, sometimes by one Name, and sometimes by another. My Reason is this: Because in the Catalogue of *Devonshire* there are mention'd *Ecclesia Glastingberie*, *Ecclesia de Tavestock*, *Ecclesia de Hortune*, *Ecclesia de Creneburne*, *Ecclesia de Bataigle*; in all which places were great and famous *Abbies*. The *Abby* of *Tavestock* is no more mention'd there than the rest; and yet it cannot be suppos'd, but that it held some Estate in that County in *Capite*. So again in the Catalogue of *Cornwall*, there is no mention at all of the *Abby* of *Tavestock*, but only of *Ecclesia de Tavestock*. And in the Catalogue of *Somerset*, where the great and rich *Abby* of *Glastenbury* lay, there is no mention at all of the *Abby*, but only of *Ecclesia Glastenberiensis*. It cannot therefore be doubted, but that by *Ecclesia* is meant the *Abby*. And so in general I observe, that in whatsoever Catalogues there is mention made of an *Ecclesia*, there an *Abby* of the same place is never mention'd, tho' there was at that time an *Abby* there.

It is not my Design, neither is it a Pleasure to me to spend time in correcting other Mens Mistakes; on the contrary, in this Work I studiously decline it: but lest I should seem to have omitted a Matter of great Moment, I am obliged to take notice in this place of a very considerable Mistake of the learned Author of *The Rights of an English Convocation*, p. 296. where he has these Words: *Among These* (that held by *Knights Service*, and were obliged to attend the Conqueror in his Courts) *that several of the Lower Clergy had place, appears from the Survey of Domesday; upon which, we are told,*
there

there were found in England 60215 Knights Fees ; and of these the Religious possessed 28015, the Villages 1080, and Parochial Churches 4711. (Here he cites the Author *Eulogii MS. apud Selden. Tit. Hon.*) There is no doubt (he adds) but the Priests of these Parochial Churches, as well as the King's Tenants in those Towns and Burroughs, were present, or represented in his Curia, whenever they assembled. And among those who are term'd Religious, and who had in them near half the Knights Fees of all England, there were, to be sure, some of the Secular Clergy above Parish-Priests, and below Bishops. In another place, viz. p. 35. To these Great Councils of the Conqueror were summon'd not the Bishops and great Abbots alone, but many others also of the Lower, and even of the Undignified Clergy ; who, as *Doomsday-Book* shews, held Lands of the King in every Shire (4711 Knights Fees were vested in Parochial Churches, says the Author of *Eulogium*) and to be sure therefore were present, together with the other Crown-Tenants, even in the Conqueror's Curia, held a-course at the Three great Festivals ; and appear'd, no doubt, in greater Numbers, at his more full and general Assemblies of all the States of the Realm, &c.

All this is grounded on his mistaking the Sense of the Words produced by Mr. Selden, p. 692. out of *Eulogium* : which are to be understood not of the number of Knights Fees belonging to the Villages and Parochial Churches in England, but of the Number of Villages and Parochial Churches. This is manifestly the Sense of the Words as they are there quoted ; and Mr. Selden himself understood 'em so, as appears by those Words a little lower : *The Number of the Parishes and Towns before-mention'd we examine not here.* The *Eulogium* is a Work partly Geographical, and partly Historical, extant in the Cottonian Library, Galba E. 7. I shall produce the Words out of the MS. it self. They are in the Geographical

Part, in the Description of Britain. *Sunt enim in Anglia 31 Sbyres. Si vero plaga Northumbrana dividatur in sex provincias, quæ sunt Eborakshyre, Duremshyre, Northumbyrlonde, Caerleilshire, Applebyshyre, Lancastreshyre: tunc sunt in Angliâ extra Cornubia 37 Sbyres, sive Provinciæ, sive Comitatus. Has omnes provincias Willielmus Conquestor fecit describi & per hedas sive carucatas dimetiri, & tunc inventi sunt in Angliâ 36 & dimidium. Feoda Militum 60215, de quibus habent Religiosi 28015. Villæ in Angliâ, 1080. Ecclesiæ Parochiales in Angliâ 40211.* The Words, in Angliâ, sufficiently shew the true meaning; not to mention that in the MS. the Words *Villæ* and *Ecclesiæ* begin with Capitals, and the Periods are sufficiently distinguish'd by the Writing. There is doubtless an Error in the Numbers even as they lie in the MS. Mr. Selden has transcrib'd 'em very faultily. The worthy and ingenious Author, whose Mistake this is, will be so far (I dare assure my self) from resenting this Freedom, that he will rather think the Discovery deserves his grateful Acknowledgment.

In the *Doomsday* Catalogues there are divers *Presbyters* mention'd as *Tenants in Capite*, in some Counties more, in some less, in some none at all. In the Catalogues of *Essex*, *Hampshire*, *Barkshire*, *Buckinghamshire*, *Lincolnshire*, and in the *Isle of Wyte*, one in each: In that of *Norfolk* 2. In that of *Wiltshire* 2. whereof one is called *Giraldus Presbyter de Wiltune*: In that of *Staffordshire* 1 *Clericus*: In that of *Rutland* 1 *Clericus*: In that of *Leicestershire*, *Godwinus Presbyter & alii Elemosynarii*. The *King's Elemosynarii* are mention'd in those of *Bedfordshire* and *Middlesex*: In that of *Northamptonshire*, *Lewinus Presbyter & alii Clerici*. In that of *Somerset*, *Clerici tenentes de Rege*: In those of *Suffolk* and *Glocestershire* 1 *Presbyter* and 1 *Deacon*: In that of *Kent* a *Capellanus*; so also in that of *Devon*.

It is not for nothing that our ancient Historians are so careful to tell us, where the Kings were at the 3 great Festivals, *Christmas*, *Easter*, and *Whitsuntide*: For by that they let us know, in what places the ordinary great *Councils* or *Curia* were held that Year. I have already spoken somewhat of that Custom before the *Conquest*. It was continued for some time after: And the same Custom obtained in *Germany* and in *France*. And therefore we are every where told, in like manner, by their ancient Historians, where the *Emperors* and the Kings of *France* were at those times. Amongst our Historians there is none more particular in that Account than the *Saxon Chronicle*. *Matthew of Westminster* is very exact in taking notice where they kept their *Christmasses*, even to the time of K. *Ed. I.* but he takes but little notice of the other 2 Festivals.

That the Conqueror, when he was in *England*, was wont to keep his Court in *Christmas-time* at *Glocester*, in *Easter* at *Winchester*, and in *Whitsuntide* at *Westminster*, we are told by the *Saxon Chronicle*, *Malmesbury*, *Huntindon*, *Knyghton*, the *Annals of Waverley*, and others. *Rudborne*, and out of him the lesser *Annals of Winchester*, instead of *Glocester*, say, he kept his *Christmasses* at *Worcester*; which is an Error. *Omnes eo* (says (a) *Malmesbury*) *cujuscunq; professionis Magnates regium edictum accersebat, ut exterarum gentium legati speciem multitudinis apparatusq; deliciarum mirarentur. Nec ullo tempore comior, aut indulgendi faciliior erat, ut qui advenerant largitatem ejus cum divitiis conquadrare ubiq; gentium jactitarent.*

The *Saxon Chron.* (b) informs us, that at those times, *præsto apud eum fuerunt omnes Optimates per to-*

(a) Lib. 3. p. 63. (b) P. 190.

tam Anglorum terram, Archiepiscopi, & Diocesani Episcopi, Abbates, & Comites, Thani (i. e. Barones) & Equites. He was always Crown'd in those Festivals wheresoever they were kept. In *Ordericus Vitalis* (a) we read, that being engaged in an Expedition towards the North in the time of War, An. 1069, he commanded his Crown, with his Royal Habilliments, to be brought from Winchester; and leaving his Army encamp'd, went on to York, and there kept his Christmas. The next Easter (says the same Author) he celebrated the Resurrection of our Lord at Winchester, where the Cardinals of the Roman Church put the Crown solemnly on his Head.

This Custom of Feasting (says *Malmesbury*) his Successor *William Rufus* observed to the heighth; but the next, which was *Henry I.* laid it wholly aside. *Quem morem convivandi primas successor obstinate tenuit, secundus omisit.* *Henry of Huntindon* (b) in the 5th Year of K. *Stephen* complains, that the ancient Custom of appearing in great and Royal Splendor on those Festivals was at that time quite abolished. *Ubi autem ad Natale, vel ad Pascha fuerit, dicere non attinet. Jam quippe Curie solennes & ornatus regii scematis ab antiqua serie descendens prorsus evanuerant.* Which he imputes to the Poverty of the Exchequer, and the Troublesomeness of the Times. *Roger Howeden* (b) has the same Words, transcribed out of *Huntindon*, who lived at that time. And (c) *Paris* tells us, that from that time (the 5th of K. *Stephen*) the solemn Festivities of the King's Court ceas'd in England. But *Huntindon*, whom he follows, does not say, that they ceas'd from that time, but plainly intimates that they had begun to cease for some time before.

(a) Hist. Eccl. p. 515. (b) L. 8. fo. 223. b. (c) P. 278.
 (d) P. 65. (e) P. 65.

Hoveden (c) tells us, that Henry II. in the 4th Year of his Reign 1158, caused himself to be crown'd a second time at Worcester, in the Solemnity of Easter, together with his Queen: and that when they came to the Offering, they put off their Crowns, and offer'd 'em upon the Altar, vowing to God, That they would never wear 'em agen as long as they lived. This is mention'd also by (a) Radulfus de Diceto, and by (b) Mat. Paris.

The Account I have given (c) above, as Sir Hen. Spelman's Opinion, that our Kings continued to wear their Crowns on those Festivals till this Action of K. Henry II. appears, from what has been said, to be a Mistake: But withal it appears, that after that time, the Crown was never usually worn on those Festivals, as it had not been for many Years before. An Instance or two we have in K. John's Reign: of whom M. Paris says (d), That in the Year 1201. he celebrated the Birth-day of our Lord at Guildesford; *ubi multa militibus suis distribuit indumenta: he distributed many Festival Robes to his Soldiers or Knights*: He adds, that the Archbishop of Canterbury did the same at that time at Canterbury, contending, as it were, with the King (in Magnificence) by which he incurred the King's high Displeasure. That the Easter following, the King being at Canterbury, was there Crown'd, together with his Queen, the Archbishop entertaining 'em at a very high Rate. This is mention'd also by (e) Radulfus de Diceto: *Dominus Rex dies Paschales egit apud Cantuariam sollempniter, ubi cum Regina sua instinctu Archiepiscopi coronatus est sub presentia plurimorum, & magnorum virorum quos Domini Archiepiscopi liberalitas invitaverat.* Two Years after, viz. 1203. returning out of Normandy

(a) Ad an. 1158. (b) P. 81. (c) Vide supra p. 57.
(d) P. 173. (e) Col. 709.

into England, he was crown'd agen (a) at Canterbury by Archbishop Hubert. An. 1208. he kept his Christmas at Windsor (says the same (b) Author) and there likewise distributed many Festival Robes to his Milites. I have shewn elsewhere, that the Great Men at those Festivals appeared in golden or very splendid Robes, which are here called *Festiva Indumenta*. Agen the same K. John is (c) said to have held his Curia in Christmas at Windsor an. 1214. and there to have distributed *multa magnatum suorum multitudini festiva indumenta*.

When the Custom of the King's wearing his Crown, and the Great Mens wearing their rich or festival Robes at those solemn Festivals, or ordinary Councils, ceas'd, the Custom was still continued in the extraordinary Councils or Curia, held upon occasion at other times of the Year, which we now call *Parliaments*. And this is the Origin of the present Custom of the King's having his Crown on, and the Nobility their Robes, whenever he comes to the Parliament-House.

The Robes of the Temporal Lords are (I presume) the same with those of old: but the Festival or Parliamentary Robes of the Bishops are quite altered. Before the Reformation they sat in the Parliament with their Miters on their Heads, and (if I am not mistaken) in their Copes and Pontifical Vestments, at least when the K. was present. But since that time they have contented themselves, on that Occasion. with the plain Scarlet Habit of a Dr. of Divinity. And because the first Archbishops after the Reformation were Cambridge-men, from thence it came to pass, that the Habit used in Cambridge, which is different from that of Oxford, has obtained amongst 'em. The White Linen Rochet, or Lawn Sleeves, which they ordinarily wear in the Parlia-

(a) M. Paris, p. 175. (b) P. 189. (c) P. 208.

ment, as also in the common Exercifes of their Functions, is no more than the common and every-days-Habit of a Bishop. For formerly all Bishops wore *White*, and even when they Travell'd. This I learn from an Epistle of *Erasmus* to *Reuchlin*, not to be found in the great Volume of his *Epistles*, but among the Epistles of *Reuchlin*. Speaking of Bishop *Fisher* of *Rocheſter*, that he had a mind to paſs over the Seas, on purpoſe to ſee and converſe with *Reuchlin*; *Decreverat*, ſays he, *poſito cultu Episcopali, hoc eſt, LINEA Veſte, quâ SEMPER UTUNTUR IN ANGLIA, niſi cum venantur, trajicere, &c.* He had determin'd to throw off his *Episcopal Habit*; that is, the *Linen Garment*, which they always uſe in England, except when they hunt, and to paſs over the Sea, &c. And I find in the *Decretals* (a) an expreſs Canon requiring all Bishops whenever they appear in publick, or at Church, to wear a *Linen Habit*. *Episcopi in publico & in Eccleſiâ ſuperindumentis lineis omnes utantur.* The Habit of a Bishop in *Henry the Eighth's* time, at leaſt in the former part of his Reign, was a *White Linen Rochet* turn'd up at the Sleeves, in Winter-time, with *Sable*; about his Neck a *Black Silk Tippet*, as at this time, which in Winter was lined with *Sable*: Under the *Rochet* a *Scarlet Garment*. In the Reign of *Ed. VI.* they wore over the *Rochet* a *Scarlet Chimere*, the ſame with a Doctor's *Habit* in *Oxford*: Which in *Q. Elizabeth's* time was changed into a *Black Satteen* one; which is uſed at this Day. In *K. Edward's* time they always wore the *Scarlet Chimere* and *Rochet*, and it was accounted a peculiar Favour to Bishop *Hooper* of *Gloceſter*, who ſcrupled to wear the *Episcopal Habit*, that he was diſpenced with from wearing it daily. And in the Articles preferr'd againſt Bishop *Farrar* of *S. David's* in the 5th Year

(a) P. 1000.

of the same Reign by his Clergy, this is one, That he ordinarily went abroad in a *Gown* and *Hat*, whereas he ought to have worn his Episcopal Robes, above-mention'd, and a *Cap*; as all *Clergymen* in general in those Days wore *Caps*. I know, as well as my Reader, that this is a Digression, but I hope he will pardon it: And having mention'd *Furrs*, as used in the Bishops Habits, I shall beg his leave to carry on the Digression so far as to produce what the Parliament Roll of 37 Ed. III. says concerning the wearing of *Furrs* by *Clergymen* and others. To the Petition exhibited by the Commons of the excess of *Mens Apparel* above their Estate, to the exceeding great destruction and impoverishment of the Land; for which Cause all the Riches of the Kingdom is almost consumed and destroyed, it is ordained in manner as followeth: (amongst others, this for the Clergy) Item, That the Clerk which hath a Degree in a Church Cathedral, Collegiate, or in Schools, and the King's Clerks which have such an Estate that requires Furr, do and use according to the Constitution of the same, and all other Clerks, which have above 200 Marks Rent per annum, use and do as Knights of the same Rent: And other Clerks under that Rent use as Squires of a hundred Pound Rent. And that all those, as well Knights as Clerks, which by this Ordinance may use Furr in Winter, by the same manner may use in Summer.

Having laid down thus much in general concerning our ancient Constitution in the beginning of the Norman times, I proceed to the Enumeration of the several particular Parliaments of some of the first Reigns, and to shew of whom they consisted.

Parliaments under the Conqueror.

AT his Coronation, which was at *Westminster* on *Christmas Day*, *an. 1066* (or, as some Historians say, who begin the Year from *Christmas*, 1067) he took an Oath *coram Clero & Populo se velle sanctas Dei Ecclesias ac Rectores illarum defendere, necnon & cunctum populum sibi subiectum iuste & Regali providentiâ regere, rectam Legem statuere & tenere, rapinas injustaq; iudicia penitus interdicere*. So says *Florence of Worcester*. He was crown'd, says *Gulielmus Pictaviensis* (a), *Anglorum consensu, vel potius appetitu ejusdem gentis Primatum*. By (b) *Gulielmus Gemmeticensis* we are told, that he was elected King *ab omnibus tam Normannorum quam Anglorum Proceribus*. Which are also (c) *Walsingham's Words*, *Ordericus Vitalis* (d) says, he was crown'd in *presentiâ Præsulum & Abbatum Procerumq; totius regni Albionis*; and that *Aldred Archbishop of York*, by whom he was crown'd, asked the English; and *Geoffry Bishop of Constance*, the Normans; *An concederent Guilielmum regnare super se*: and that *all with one voice joyfully gave their consent*. That he was elected King, *Rudborne* also tells us. And in the *Register of Battel-Abby*, which is extant in the *Cottonian Library*, it is said, that he was made King, *cum favore Procerum ac Nobiliam regni*.

Soon after, the K. of *Denmark* requiring *Tribute* and *Homage* of him, *de consilio Procerum suorum* he

(a) *Gest. Gul. Ducis* p. 206. (b) *L. 7. c. 37.* (c) *Ypodig. Neustriæ* p. 436. (d) *Hist. Eccl. l. 3. p. 503.*

sent 4 Embassadors to him with rich Presents to establish a Peace between 'em. *Knyghton* (a).

An. 1069. *Elfric* Abbot of *Peterborough*, was tried at *Westminster* (by the King in his *Curia* or Parliament) upon a certain Accusation; and there his Brother Bishop *Alfwin* was Outlawed. *Annales Waverl.*

The same Year, viz 1069. He and his Queen granted a Charter (b) to the Monks of *Deorbyrst* in Gloucestershire, *cum prudenti consilio Procerum nostrorum*. It was at *Winchester* on Easter-Monday: Anno Dominicæ Incarnationis MLXIX. regni vero Willielmi Regis I. in 2da die Paschæ hoc Privilegium firmatum est in Monasterio S. *Swithuni* apud Civitatem *Winestre* cum celebraretur Missa. His testibus consentientibus. Subscribed by the K the Queen, *Richard* the King's Son, *Stigand* Archbishop of *Canterbury*, *Aldred* Archbishop of *York*, 9 Bishops (of whom some were Bishops not in *England*, but in *Normandy*, but possessed of great Estates in *England*) 12 Temporal Lords, or Great Men.

About the same time, at least not long after that Year, He granted a Charter (c) to *St. Paul's London*, in a Parliament, or at least in a Synod: Ego Willielmus D. G. Rex Anglorum, unâ cum *Mathilda Regina*, Principibusq; meis, coram conventu Sacerdotum Dei reverendis (reverendo) scil. Archiepiscopis *Aldredo* & *Stigando*, ceterisq; Episcopis & Abbatibus hujus patriæ, &c.

An. 1070. the Bishops and Abbots, who held before in *Frank-almoign*, or in *pura* & *perpetua eleemosynâ*, were brought under the Tenure of *Barony*; as *Matthew Paris* tells us out of *Roger of Wendover*, whom

(a) Col 2343. (b) Monast. Tom. i. p. 547. (c) Ibid. Tom. 3. p. 305.

he follows, but not quotes. In the same Year, as he says, *Doomsday Book* was made, in which all Lands, as well of the *Clergy* as of the *Laity*, were Registered. But that is not true. Other *Historians* say, it was made towards the latter end of his Reign; *an.* 1083. say the *Warverly Annals*, *Westminster*, and 2 (a) MS. *Chronicles* in *Lambeth Library*; 1085. says the *Saxon Chron.* 1086. say *Florence of Worcester*, *Hoveden*, *Bromton*, and *Simeon Dunelm*: 1087. says *Radulfus de Diceto*, in the Conqueror's 18th Year (*i. e.* 1084) says *Henry of Huntindon*. 'Tis probable it took up 3 or 4 Years time, and was finish'd *an.* 1086. It is kept in the *Exchequer* divided into 2 Books: At the end of the first Book, which contains only the Counties of *Essex*, *Northfolk*, and *Suffolk*, are these Words: *An.* 1086. *Regni Willielmi* 20. *facta est ista descriptio non solum per hos* 3. *Comitatus*, *sed etiam per alios*. 'Twas Mr. *Selden's* (b) Opinion, that this Innovation of the Tenures of *Bishops* and *Abbots* was made by Act of *Parliament*; because in the Year 1070. it appears that some other things were done by *Parliament*.

That the Laws of *K. Edward* were confirmed that Year (which was *regni IV.*) in *Parliament*, appears from what has been already said, where we treated of *K. Edward's* Laws. They were confirm'd by the Conqueror with some Alterations. and an Addition of some of his own, *consilio Baronum suorum*, says the Preface of the *Latin Edition*: And so says *K. Henry I.* in his Charter. The Chronicle of *Lichfield* and *Rudborne* add, that it was done *ad Preces Communitatis Anglorum*. This was a *Parliament* of that time, as Mr. *Selden* (c) calls it; who conjectures, that it was by the same *Parliament* that the new Tenures were created; and he makes it to

(a) 40. vol. 144. & 160. (b) *Tit. Hon.* p. 699. (c) *l. c.* p. 701
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be the same with that of *Pedreda*. But in that he is certainly mistaken ; at least, if it be true what the *Lichfield Chronicle* relates, and He himself believed, that the Parliament in which K. *Edward's* Laws were confirm'd, was held in the time of *Aldred* Archbishop of *York*. We are there told, that the 12 Persons sent up from each County upon the *Conqueror's* Summons, were sworn to give an exact and faithful Account of their Laws and Customs ; and that what they declared to be the Law of *England*, was, by the King's Command, taken in Writing by Archbishop *Aldred*, and *Hugh* Bishop of *London*. But it is certain that *Thomas*, who succeeded *Aldred*, was Archbishop of *York* in the Parliament of *Pedreda*. Mr. *Selden* was aware of this ; but (says he) in the beginning of that Parliament *Aldred* was yet living, and *Thomas* was made Archhishop before the end of it. But neither will that serve his turn : For Archbishop *Aldred* died before the Synod of *Winchester*, which was before the Parliament of *Pedreda*. And both these things he might have learnt from (a) *Florence of Worcester*. *Wikes* places *Aldred's* Death to the Year 1069. But perchance the Account which the *Lichfield Chronicle* gives of Archbishop *Aldred's* being concern'd in that Matter, may be false. For the *Interpolator* of K. *Edward's* 35th Law, says, the Laws were taken in Writing (not by Archbishop *Aldred*, and *Hugh* Bishop of *London*, but) by *Thomas* Archbishop of *Canterbury* (meaning, I suppose of *York*) and Bishop *Maurice* (of *London*.) And, if this be true, they could not be confirm'd till about the end of the *Conqueror's* Reign : For *Maurice* was not made Bishop till about that time. But be that as it will. The *Parliament*, which confirm'd 'em, seems (in short) to be held at *Gloce*

ter. My Reason is this : Because in the Conqueror's Laws, which are prefixt before the Laws of K. Edward, as they are extant in *Hoveden* (a), it is said : *Hoc decretum & sancitum est in civitate Claudia.*

The same Year, viz. 1070. *Lanfranc* was chosen Archbishop of Canterbury by the Seniors of that Church, together with the Bishops and Princes, the Clergy and People of England in *Curia Regis*, in *Assumptione B. Mariæ* (i. e. Aug. 15.) says *Gervasius* (b) a Monk of Canterbury, who lived in the Reign of K. Hen. II. So *Ordericus Vitalis* (c) tells us, that he was made Archbishop *Regis & omnium Optimatum ejus benevolâ electione.* In the Account of his Promotion, which is to be seen at the end (d) of *Taylor's Gavelkind*, it is said, that the King committed the Church of Canterbury to him, *consensu & auxilio omnium Baronum suorum, omniumq; Episcoporum & Abbatum, totiusq; Populi Angliæ.* It being the Custom for the K. to nominate Bishops in those solemn times, when all his Great Men were about him to advise him ; it is therefore said, that they had a Hand in the Election.

The Archbishop of York with-holding certain Lands from the Bishoprick of Worcester, Bishop *Wulstan* complains to the Synod of Winchester above-mention'd, held at Easter 1070 (the same in which *Stigand* Archbishop of Canterbury was deprived) but the Archbishoprick of York being then void, it was not thought reasonable to proceed in that Cause till a new Archbishop was made. *Lanfranc* being soon after (Aug. 29.) consecrated Archbishop of Canterbury, *Thomas*, whom the K. had nominated to the Archbishoprick of York, comes to him to be Con-

(a) P. 342. b. (b) Col. 1653. (c) Hist. Eccl. 14. P. 519. (d) P. 194.

secrated by him. But being required by *Lanfranc* to make Profession of Obedience to the See of *Canterbury*, he refuses to be consecrated upon those Terms. So the Matter was brought before the King and his Great Council or Parliament held at *Winchester*, and there (a) *regio edicto communiq; omnium decreto statutum est*, that for the present *Thomas* should be obliged to make Profession of Obedience to Archbishop *Lanfranc*, but no Successor of his should be obliged to the same, till the Matter of the Primacy were further enquired into by the King, or in an *Episcopal Synod*; *nisi prius vel coram vel in Episcopali Concilio competens ei ratio redderetur*. This Judgment being given, *Thomas* submitted to it, and was Consecrated.

Then comes on the Parliament of *Pedreda*, where the Cause between *Wulstan* Bishop of *Worcester*, and *Thomas* Archbishop of *York* was tried, not relating to the Lands only, which the Archbishop withheld from the Bishop, but touching the whole Bishoprick. For the Archbishops of *York*, for some Successions, from the time of Archbishop *Oswald*, having held the Bishoprick of *Worcester*, together with the Archbishoprick, the Archbishop pretended to it as his Right, and that it ought to be annexed to his Archbishoprick. The Cause went for the Bishop; and he not only kept his Bishoprick, but recovered also the Lands which the Archbishop of *York* was possessed of. Of whom this Parliament consisted, *Florence of Worcester* tells us *ad an. 1070. His gestis, reverendi Wulstani Wigornensis Episcopi, mota est iterum querela Archiepiscopo jam consecrato Thoma, qui pro Eboracensi loqueretur Ecclesia, & in Consilio in loco qui vocatur Pedreda celebrato, coram Rege ac Doro-*

(a) Malmesbury p. 117.

niæ Archiepiscopo Lanfranco, & Episcopis, Abbatibus, Comitibus, & Primatibus totius Angliæ, Dei gratiâ adminiculante est terminata. Hoveden (a) and (b) De Diceto repeat the same Words. So do (c) Simeon Dunelmensis and (d) Bromton. Malmesbury tells us in the Life of *Wulstan*, that the Matter was debated in *Concilio apud Pedydam habito* (which he makes to be held after *Lanfranc's* return from Rome) *magno conflictu & Procerum Angliæ conventu.* He adds, that the K. at last, *edictum annitente Lanfranco, proposuit*, in favour of the Bishop.

About the Year 1071. Odo Earl of Kent, Brother to the King by his Mother's side, having invaded the Liberties of the Church of Canterbury, and disseiz'd it of many of its Lands and Customs, the King, upon Archbishop *Lanfranc's* complaint, commanded a *Curia* to be held on *Pinneden-Heath* in Kent, to determine the Cause. *Præcepit quatenus adunatis primoribus & probis viris non solum de Comitatu Cantiae, sed & de aliis Comitatibus Angliæ, querelæ Lanfranci in medium ducerentur, apud Pinnedene Principum conventu.* *Goffridus Episcopus Constantiensis, vir eâ tempestate prædixes in Angliâ, vice Regis Lanfranco justitiam de suis querelis strenuissime facere jussus, fecit.* *Lanfrancus enim validâ ratione subnixus, ex communi omnium astipulatione & judicio, ibi cuncta recuperavit,* &c So *Eadmerus* (e), who lived with Archbishop *Lanfranc*. The Interpolator (f) of the Saxon Chr. calls it *Magnum Placitum*: and places it to the 3d Year of Archb. *Lanfranc*, which was 1072. or 1073. *Hoc quoq; anno habitum est magnum Placitum in loco qui dicitur Pinenden; in quo Lanfrancus dirationatur, &c.* It was less than a Parliament, but bigger than a Shire-

(a) P. 260. (b) Col. 483. (c) Col. 203. (d) Col. 976.
(e) Hist. Nov. l. i. p. 9. (f) P. 178.

met or County Court, being made up of the chief Men of divers Counties. See at large in (a) Dr. Brady's Introduction. In the Account which the (b) Codex Roffensis gives of it, which is very full and particular, it is said, that the K. commanded *Comitatum totum absq; morâ considerare, & homines Comitatus omnes Francigenas, & præcipue Anglos, in antiquis legibus & Consuetudinibus peritos in unum conveniri. Qui cum convenerunt apud Winendenam, omnes pariter considerunt. Et quoniam multa placita—surrexerunt quæ prima die expediri non potuerunt, eâ causâ totus Comitatus per tres dies fuit ibi detentus.—Et ab omnibus illis probis & sapientibus hominibus & etiam à toto Comitatu recordatum atq; judicatum &c.*—Huic Placito interfuerunt Goisfridus Episcopus Constantiensis, qui in loco Regis fuit & Justitiam illam tenuit, Lanfrancus Archiepiscopus, Comes Cantiae Odo—Ernostus Episcopus de Rovecestridâ, Agelricus Episcopus de Cicestridâ, vir antiquissimus & Legum terræ sapientissimus (qui ex præcepto Regis advectus fuit ad ipsas antiquas legum consuetudines discutiendas & edocendas in una quadriga) Richardus de Tunebregge, Hugo de Monteforti, Willielmus de Arces, Haymo Vicecomes, & alii multi Barones Regis & ipsius Archiepiscopi, atq; illorum Episcoporum homines multi, & alii aliorum Comitatum homines etiam cum toto isto Comitatu multæ & magnæ auctoritatis viri, Francigenæ scil. & Angli.—Hujus Placiti multis testibus multisq; rationibus determinatum finem postquam Rex audiuit, laudavit, laudans cum consensu omnium Principum suorum confirmavit. These last Words shew, that the Judgment of that Court was afterwards confirmed by the King and Parliament.

The Assizes in those Days, were Courts consisting partly of Bishops and partly of Lay-Lords; which ac-

(a) P. 190. ad 195. (b) Ap. Seldeni Notas in Eadm. p. 197, &c.

cording to the King's Pleasure were either greater or less. *William Rufus* in (a) a MS. Charter to the Church of *Westm.* *Willielmus Rex Angl. Hugoni de Bokel & Vice-comiti & omnibus fidelibus suis de Middlesexâ salutem. Sciatis quia volo & firmiter præcipio quod terra de &c. quam Vitalis Abbas tempore Patris mei contra Waltherum filium Oteri derationavit ad opus Ecclesiæ S. Petri Westm. sit in pace, ita ut nullus illi molestiam aut inquietudinem inde faciat, neq; Abbas Gillebertus ejusdem loci alicui inde respondeat nisi coram Episcopis & Baronibus justificatoribus, qui fuerint ibi ubi ipsa terra derationata fuit.* In another MS. Charter (b): *Sciatis quod Gillebertus Abbas Westm. meo præcepto derationavit coram Baronibus meis, Episcopo Dunelmensi, Episcopo Winton. Gudone Dapifero, Yvone Tailleboisc, Roberto Dispensatore terram de Burenham & Sprenham per donum Patris mei, &c.* In a MS. Volume in Sir Rob. Cotton's Library (*Titus A. 13.*) I have met with other Instances, by which it appears, that long after this time Bishops and other Clergymen sat as Judges of the Common or Temporal Law. In Ric. the First's time Hubert Archbishop of Canterbury was Chief-Justice, and among the other Judges two were Archdeacons, as appears by the Fine following: *Finalis concordia facta ap. Westm. in Curia Dom. Regis Anno 9. Ric. I. coram Huberto Cant. Archiepiscopo, Radulfo Bereford, Richardo Elay Archidiaconis, Thoma de Husburne, Richardo de Heriet, Simone de Patishill, Justitiariis Domini Regis, Inter, &c.* Another of the same King's time: *Hac est finalis concordia. facta in Curia Domini Regis apud Glocestriam Anno 3. Richardi I. cum Hugone Coventriensi & Johanne Hereford: Episcopis, &c.* And that they were sometimes Justices of Assize, as we now understand that Word, may appear by the like Fine

(a) Ap. Chartular, Cotton. f. 44. (b) Ibid.

acknowledged in the time of H. III. *Hæc est finalis concordia in Curia Domini R. apud Glocestriam in crastino Johannis Baptistæ anno Regni Henrici filii Johannis 39. coram Johanne Abbate de Burgo S. Petri, Magistro Simone de Wanton, Roberto de Chydingdon, Nicholao de Hau-lo, Jo. de Kaue, Willielmi Trussell, Justitiariis itinerantibus Domini Regis inter Rogerum de Glocestre querent. & Ric. de Kenfare desoriant.* All these Fines (says my Author) were acknowledged for such Lands as of late were of the Possession of *Lanthona*, and remain in the great Book of the said Abby. *Hæc est finalis concordia ap. Westm. termino Paschæ an. 39. H. II. coram Richardo Winton. Eley, Norwic. & Rainmulpho de Glandvill Justitiariis Domini R. Inter, &c.* The like Fine is put before the same Judges, of the Date of 33 H 2. by *Glanvil* himself in the 8 Book of his Treatise of the Law and Customs of England. Henry of Huntington shews, that Roger Bishop of Sarum (he that was so great with Henry I. and imprison'd to death and spoil'd by K. Stephen) was Chief Justice of England. The same doth the Book of *Battel-Abby* confirm of the said Bishop. *Finalis concordia fact. in Curia Domini Regis ap. Westm. crastino Ascens. an. 21 H. III. coram Radulpho Cicistrensi Episcopo Domini Regis Cancellario, William de Ralinge, William de Eboraco, &c. & aliis Domini Regis Fidelibus.* — *Hæc est finalis concordia facta in Curia Domini Regis apud Cantabrigiam an. 3 H. III. coram Henrico Abbate de Ramsey, &c. Justitiariis Itinerantibus.* I am not so well acquainted with Law Books, as to know whether this Collection be to be met with in any Printed Author; but lest it should not (as I suppose it is not) I thought it worth my while to insert it here. And I think it not altogether foreign to my purpose, tho' it be not altogether pertinent. Some Instances I have omitted. And more, I suppose, may be found in Sir W. Dugdale's *Origines Judiciales*; which I have not at present by me.

The

The Bishop of Carlisle is mentioned among the Itinerant Judges in the ancient MS. Chronicle (a) of the Priory of Dunstable, ad an. 1252. In the MS. Volume above-mentioned, there is a List of Priests (or Clergymen) who were Officers to the King, and dwelt within the Diocese of London: From which the Author infers how great the number must needs be, if all were reckon'd that lived in other Dioceses. Among them there are several Masters of Chancery. For anciently all Masters of Chancery, and of the Rolls, were Clergymen, and therefore called Masters or Magistri. So not only the L. Chancellors and many of the Judges were Clergymen, but all the Clerks likewise of all the King's Courts, as well of the 2 Benches and the Exchequer, as the Chancery: From whence they had that Name of CLERICI, Clerks, or Clergymen: Which has since been usurpt by all the little Servants of the Law. The Clerks of the King's Courts being Men in Holy Orders, for that very Reason all Livings in the King's Gift, not exceeding the value of 20 Marks, were put into the Hands of the Lord Chancellor; viz. to be disposed of to Them for their Encouragement, as his Majesty's Servants, as he saw they deserved. There is extant in the Parliament Roll of 4 Ed. III. a remarkable Act to this purpose, which I cannot pass by. The Parliament petition'd the K. in these Words (in French, I mean, thus translated :) *Because it hath been ordained in times whereof there is no Memory, and granted by the Progenitors of our Lord the K. that the Chancellors for the time being should give the Benefices (which belong to the K. to give) taxed at 20 Marks and under, to the Clerks of the Chancery which have long labour'd in the place; which thing hath been used from the said time till the Bishop of Lincoln was made Chancellor, who in all his time gave*

(a) The same Chronicle ad an. 1217. mentions the Abbot of Ramefey: and ad an. 1257 the Abbot of Burgh.

the said Benefices to his own Clerks, and to other Clerks, against the Will of our Lord the K. and against the Ordinance and usage aforesaid: May it please our Lord the K. and his Counsel, to ordain that the Chancellors which shall be for the time, do give the Benefices which belong to them to give for the Cause aforesaid, to the Clerks of the said Place, as it hath been anciently used; and that this be done by Election of the Masters of the Chancery. (The King's Royal Answer.) Let this Bill be deliver'd to the K. and it liketh the Counsel that it is fit to command the Chancellor, that hereafter he give such Benefices to the King's Clerks of the Chancery, the Archequer, and of both Benches, and not to others. In Fitz-Herbert's *Natura Brevium* there is a Writ to excuse Clerks in Chancery, tho' Benefic'd, from contributing any thing to the Expences of the Proctors of the Clergy sent up to Parliament. That the Clerks also of Parliament were anciently Clergymen, the Name it self shews: And in the Year 1515. the Clerk of the Parliament was Prolocutor of the Lower House of Convocation.

But to return to the Conqueror's Great Councils: Hoveden* tells us, that an. 1074. in Christmas he held his Curia at Westminster, and there animadverted upon those who had rebell'd against him, banishing some, pulling out the Eyes of others, and cutting off the Hands of others. The Saxon Chron. places this to the Year 1076. He was at Westm. in the Festival of Christmas, where all those Britons were punish'd who were present at the Marriage at Norwich, of whom some had their Eyes put out, others were driven out of the Land: So the Traitors of William were utterly quell'd.

An. 1075. Wlketulus Abbot of Croyland was summon'd to appear, says (a) Ingulphus, ad proximum Concilium Londoniis celebrandum, i. e. at the next Curia or Parliament, where he was depriv'd upon

* P. 262. (a) P. 73.

pretence of *Idolatry*, because he seem'd to reverence, as a *Martyr*, Earl *Waldive*, a great Friend to that *Abby*, whom the *Normans* had beheaded. In that *Council*, or *Parliament*, Archbishop *Lanfranc* seems to have presid'd ; for (a) *Ordericus Vitalis* says, that *Wlketulus* (or, as he calls him, *Ulfketelus*) was deprived by Archbishop *Lanfranc*.

In a MS. *Chartulary* of the *Abby* of *Westm.* which is in Sir *Rob. Cotton's* (b) *Library*, there are extant a great many *Charters* granted by the *Conqueror* to that *Church*.

The first (c) is granted *consultu atq; consensu Primum meorum*. Subscribed after the *K.* by the *Queen*, Archbishop *Lanfranc*, 6 *Bishops*, 7 *Abbots*; then by a *Layman*, then by the *Chancellor*, and after him by 13 other *Laymen*.

In his 2d, dated xi. Kal. Junii 1075. are these Words : (d) *Et ut firminus & solidius in ævum conservetur, in solemnitate Pentecostes habito Concilio in celeberrimo loco præscripti Westmonasterii, & à nostrâ regiâ Majestate convocatis in unum cunctis regni nostri Primatibus ad audiendas & confirmandas quasdam Synodalis Decreti causas necessarias communi consensu maxime Episcoporum, Abbatum, & aliorum insignium nostrorum Procerum, inter cætera universaliter hoc prospicientes & statuantes decernimus, &c.* (It grants the *Monastery* an *Exemption* from the *Bishop* of *London's* *Jurisdiction*) — *Idcirco ad hæc disponenda & inviolabiliter stabilienda ad laudem Domini & honorem S. Petri Apostoli sub invocatione sanctæ Trinitatis & impressione Dominicæ Crucis, sanctaq; autoritate ejusdem Apostoli, & omnium nostrorum præsentisq; privilegii decreto disponimus sancimus atq; confirmamus unanimiter hac Synodicâ sanctione modis omnibus vetantes, &c.* — *manus nostræ subscriptionibus signum imposuimus & legitimos testes eminentiores*

(a) *Hist. Eccl.* p. 542. (b) *Faustina A.* 3. (c) *F.* 29. b. (d) *Ibid.* f. 39. b.

viz. nostri regiminis viros subtus annotari jussimus. Subscribed after the K. by the 2 Archbishops, 10 Bishops, 6 Abbots, the Chancellor, &c. *Omnes isti consenserunt hæc & signaverunt, anno Dominicæ Incarn. MLXXV. & adepti imperii supernominati gloriosi Regis Willielmi anno IV. die prædicti Festi Pentecostes, xi. Kal. Junii, scripta est hæc charta & sigillata & ab ipso Rege & supradictis personis testificata & confirmata & auctorizata.*

The 3d is dated an. 1077. the Subscriptions of which begin thus: (a) *Ego ipse manu mea signum impressi, & legitimos testes regni mei, scilicet insigniores personas subtus annotari jussi.* Then follow the Subscriptions of the Queen, and of Robert and William the King's Sons: after them the 2 Archbishops: *Ego Lanfrancus, &c. huic regie munificentie concedens pro affectu consensi. Ego Thomas, &c. hoc regale donum confirmans, scriptis corroboravi.* After them 15 Bishops, the Chancellor, 10 Abbots, the King's 3 Chaplains. *Ego Bernardus Regis Capellanus confirmans subscripsi. Ego Raynaldus Regis Capellanus confirmans subscripsi. Ego Robertus Regis Capellanus annui & corroboravi.* Then follow 13 Great Men, Earls, &c. and after all, these Words: *Multis præterea illustrium virorum personis & regni Principibus diversi Ordinis omissis. Qui similiter huic confirmationi piissimo affectu testes & fautores fuerunt. Hii etiam illo tempore à Regia potestate è diversis Provinciis & Urbibus ad universalem Synodum pro causis cujuslibet (lege quibuslibet) sanctæ Ecclesiæ audiendis & tractandis, ad præscriptum celeberrimum cænobium quod Westmonasterium dicitur convocati, hanc eandem cooperante sibi in omnibus divinâ pietate, honorifice perficientes compleverunt. Quorum igitur memoriam & nomina singulatim exprimere & huic paginulæ longum & fastidiosum videtur inserere.* In the Margent is noted in a late

(a) F. 37. b.

Hand : *Nota hic hos omnes convocari à Rege suâ auctoritate ad causas Religionis tractandas tam Nobiles de Clero quam Principes regni, cum aliis inferioris gradus, conventio quorum videtur esse Parliamentum.* I agree with the Writer, that it was a Parliament. But perhaps those are the Words, not of the Charter it self, as is commonly understood, but of the *Registrary* who liv'd long after that time, about the Reign of *Ed. III.* as appears from the Hand. The Volume, in which these Charters are contained, I find ascribed by some, but erroneously, to *Sulcardus*, a Monk of that Abby, who liv'd in the Conqueror's time ; because it begins by way of *Prologue*, with an Account of the building of that Abby, which he wrote and dedicated to the Abbot *Vitalis*. But that Piece of *Sulcardus* is a distinct thing by it self, and though it seems to be writ as an Epistle to *Vitalis*, yet was really a Speech made in Commemoration of the Founders : as appears by these Words : (a) *quoddam (miraculum) insigne intentius audite, Fratres Charissimi.*

In the 2d Vol. of our *English Councils*, pag. 14. I find this Charter cited by Sir *Will. Dugdale*, as extant in the Chronicle of *Radulphus de Diceto*, which I suppose is a Mistake. Dr. *Brady* (b), who found it there quoted (for he never saw the Charter it self) by *Provinces* would have *Dioces* understood, lest the Antiquity of *Knights of Shires &c.* should be demonstrated from thence ; and his Conjecture is, That it was a *Synod* call'd for the first settling of that Matter relating to the removal of Bishops Seats from lesser places to greater : Which is altogether precarious, and not to be regarded. The same Fragment I find cited by others, who tell us, that the

(a) F. 4. b. (b) *Introduct* p. 301, 302.

Charter is subscribed by *Archiepiscopi, Episcopi, Comites, & alii Senatores*. But those are the Words not of the Charter it self, nor of the Registrary, but only Dugdale's.

The 4th Charter (a), which was granted an. 1081. is sign'd next after the K. by the Quæn, the 2 Archbishops, and 13 Bishops: after them by Robert the King's Son, then by the Chancellor; after him by the King's 3 Chaplains, then follow 3 Abbots and 17 Lay-Lords. After all, these Words: *Anno Incarn. Dom. 1081. regni etiam prænominati gloriosi Regis Will. xv. convenientibus in unum cunctis patriæ Primatibus in Nativitate Domini nostri J. Chr. ipsâ eâdem die Circumcisionis scripta est hæc Charta & autorizata, & ab excellentioribus regni personis testificata & confirmata & roborata in nomine Domini feliciter Amen. Ego Ingulfus Regalium Decretorum Notarius ad vicem Mauricii Cancellarii sub Cartulari testificatione præsens Privilegium apud Westm. prænotavi & subscripsi. Proinde concessum & à Regiâ munificentia jure datum IV. Non. Januarii, Indiæ. IV.*

Other Charters of less Note, which may be seen in the same MS. Chartulary I omit: Some Tested by 2 or 3 only; others by a few expressed, *cum multis aliis*.

His Charter (b) to the Monastery of Malmesbury dated an. 1081. he granted, *rogatus à fidelissimâ conjuge meâ Matilde Regina, & multis Episcopis & Baronibus meis*. Sign'd by the K. the Quæn, the Archbishop of Canterbury, 5 Bishops (of whom 2 were Norman Bishops) 1 Abbot, Earl Rodbert, Henry the King's Son, another Earl, a Vicecomes, and one other Lay-man. *Actum ap. Londonias, assistente Wario Abbate.*

(a) Chartul. MS. prædict. f. 4. 2. (b) Monast. Tom. 1. p. 52.
The

The same Year he granted a Charter (a) to the Monks of S. Edmond's-Bury, recorded in a MS. Copy of *Marianus Scotus*, extant in the *Bodleian Library*; in which are these Words: *An. 1081. finitis Placitis, calumniis, & queremoniis, quas Arfastus Episcopus faciebat Baldwino Abbati, viz. de Ecclesia S. Edmundi, & de villâ in quâ sanctus Martyr requiescit, die pridie Kalendas Junii apud Wintoniam coram Rege & Principibus terræ dedit R. Willielmus glorioso Regi & Martyri Eadmundo hoc Privilegium.* In the Charter itself, thus: *Inter Baldwinum Abbatem prædictæ Ecclesiæ & ipsum Episcopum per multum temporis factâ quam maximâ altercatione, concilio Archiepiscoporum, Episcoporum, & aliorum multorum nobis fidelium, ut utrorumq; super hiis ratio in nostrâ discuteretur Curia, dignum censuimus.*—*Quod Cantuariensis Archiepiscopus Lanfrancus, & Thomas Eboracensis Archiepiscopus, & Odo Bajocensis frater meus & Comes Cantia, & pleriq; alii Episcopi, Rotbertusq; filius meus, atq; cæteri Principes regni nostri, qui aderant, audientes, censuerunt tanti loci tantam auctoritatem, inviolatam usq; in finem seculi debere permanere. Quorum irrefutabili iudicio, prout dignum fuit, assensi & consensum præbeo. Placuit etiam nobis consilio Archiepiscoporum, Episcoporum, Comitum aliorumq; multorum nobis fidelium, &c.* Subscrib'd by the K. the Queen, the 2 Archbishops, 13 Bishops, the King's 3 Sons, the King's Chancellor, the King's Chaplain, 7 Abbots, 4 Earls, 7 other Great Men. *Actum apud Wintoniam in Palatio Regio.*

The Privilege which this Charter confirms, was an *Exemption* from the Bishop of Norwich or Tedford's Jurisdiction; which is there declared to have been always the Right of that Monastery, and to have been first granted by the Founder K. Canut, and

(a) Ap. Monast. Tom. I. p. 289.

afterwards confirmed by K. Edward the Confessor. This does not convince Me, that there were any Exemptions before the Conquest. For I take the Conqueror and his Council (if the Charter be genuine) to have been imposed upon by their spurious Charters, just then forged upon that occasion; particularly by that which they pretended was given them by K. Canut. mention'd above pag. 102, 103. From the Bishop's asserting his Jurisdiction over that Monastery, it is clear, that he either knew nothing at all of any such Charter before it was produced in Court, or believed it to be a Forgery.

An. 1082. the Charter (a) of William de Karileph Bishop of Durham granted to the Monks of S. Cuthbert, with the Pope's Consent, was confirmed by the K. and Parliament. *Talem Papæ consensum cum audisset Rex, non mediocriter gavisus, sub testimonio Matildis Reginae, Lanfranci Archiepiscopi, cæterorumq; Angliæ Episcoporum, & Baronum suorum, ad hoc peragendum licentiam dedit, immo propere ut peragerem mihi præcepit. Insuper etiam Leges S. Cuthberti, quas ipse coram sancto illius corpore, sicut unquam meliores sub aliquo Regum priorum fuerunt, fide suâ sanctiebat denuo tunc revocando confirmavit & omnia quæ Dominus Papa ei suisq; literis præcepit, concessit, & in Concilio pleno coram omnibus roborando, consentientibus Prælati Angliæ totius constituit.* — *Facta sunt hæc omnia in Concilio Londoniensi coram Domino Willielmo Rege anno ut supra.* Subscribed by the 2 Archbishops, 13 Bishops, 8 Abbots, 17 Temporal Lords; and the King's 3 Chaplains.

In the King's own Charter (b), by which the Bishop's is confirmed, it is said: *Ego Willielmus D. G. Rex Anglorum hæreditario jure factus, ex præcepto D.*

(a) Monast. Tom. I. p. 43. (b) Ibid. p. 44.

Gregorii P. VII. & ex petitione & concessione D. Willielmi Dunelmensis Episcopi, consulentibus, & in mea presentia assidentibus & assentientibus Lanfranco & Thoma Archiepiscopis, concedo & constituo, &c. Hæc Carta confirmata est apud Westmonasterium Concilio meo, anno regni mei 18. presentibus omnibus Episcopis & Baronibus meis. Sign'd by 3 Bishops, then by the King, then by the King's 3 Chaplains, then by an Abbot, and 2 Temporal Lords, then by the Bishop of Constance, after him by another Abbot, then by 5 Lay-Lords, after them by the Bishop of Winchester, another Abbot, and 4 Laymen more. The Conqueror's 18th Year was 1084.

Another Charter (a) of His, granted to the same Monastery of Durham, is sign'd after himself by the Archbishop of York, 3 Bishops, an Abbot, a Vicecomes, 3 other Lay-Lords, another Abbot, an Earl, William the King's Son, 4 other Lay-Lords; then by a Chaplain, and 2 Lay-Lords more; then by a Clericus Regis, and another Chaplain; and after these, by divers other Laymen.

An. 1083. He laid a heavy Tax upon the whole Land, of 72 Pence for every Hide, says the Saxon Chron. which adds, that it was collected after Christmas: by which it should seem to have been laid in the Great Council held at Christmas.

An. 1085. says the same Chronicle, he kept his Christmas at Gleawceaster, cum suis Proceribus, & tenuit ibi Curiam suam 5 dies: Postea autem Archiepiscopus & Clerici habuerunt Synodum trium dierum. Ibi

(a) Ibid. p. 49. It is recited in an Insuperimus of Ed. IV. together with another Charter of the same K. which yet, I know not how, speaks of his Father's time, as if it had been made by Will. Rufus;

fuit Mauricius electus in Episcopum ad Lundene, & Wilhelmus ad Northfolc, & Rodbeardus ad Ceasterscire; hi omnes erant Regis Capellani. Post hæc Rex tenuit magnum Concilium, & graves sermones habuit, cum suis Proceribus de hac terra quomodo incoletetur, & à quibus hominibus. Mittebat idcirco per totam Anglorum terram in singulos Comitatus suos servos, quibus permisit scrutari quot hydarum centenæ essent in Comitatu, &c.

The Easter following, as the same Chronicle tells us (or rather the Year after that) *he wore his Crown and kept his Court at Winchester, and on Whitsuntide at Westminster, made his youngest Son Henry a Knight, Which is mention'd by most other Historians, as a very solemn thing. I shall mention here by the bye, that his Son William Rufus was Knighted by the Archbishop, according to the ancient Custom of the English. For in the Saxon times, and for some time after, the Honour of Knight-hood was conferred by Clergymen, with Religious Ceremonies. We are told by Ingulphus, that the Custom of the English was, That whoever was to be Knighted in due manner, came over Night to the Bishop, or to some Abbot, Monk, or Priest, and made a solemn Confession of his Sins before him; and having obtain'd Absolution, lay all Night in the Church with great Devotion and Contrition. On the Morrow, being to hear Mass, he offer'd his Sword at the Altar; and after the Gospel was read, the Priest with a Benediction put a Sword, that was Blessed for the purpose, upon his Neck; and so receiving the Communion, he remain'd after that Miles legitimus. This Custom (says he) of Consecrating a Knight the Normans abominated, not looking upon such a one to be Miles legitimus, sed socordem Equitem & Quiritem degenerem, deputabant. In one (a) of*

(a) Monast Tom. i. p. 318.

the Conqueror's Charters to *Battel Abby*, it is ordain'd, That the *Abbot* should not make *Knights*, nisi in sacra veste Christi. But this only by the bye.

The same Year in *Festo Primitiarum*, all the Landholders in the Kingdom met together, by his Summons, at *Salisbury*, and there did him Homage, and swore Fealty to him. *Ubi ei obviam venerunt ejus Procures* (says the same *Saxon Chronicle*) & omnes præbia tenentes, quotquot essent notæ melioris, per totam Angliam, hujus Viri servi fuerunt, omnesq; se illi subdidere, ejusq; facti sunt Vasalli, ac ei fidelitatis juramentum præstiterunt, se contra alios quoscunq; illi fidos futuros. Henry of *Huntindon* tells us (a), that in the 19th Year of his Reign (and that was 1085.) this was done by all the terrarii Angliæ, cujuscunq; feudi essent. The *Waverly Annals* have the very same Words: but place it to the Year 1084. 'Twas perform'd by the homines totius Angliæ cujuscunq; essent feodi vel tenementi, says *Westminster*, ad an. 1084. Cujuscunq; essent feudi, says *Paris* (ad an. eundem) who says it was done at *Whitsuntide*, and at *Westminster*: *Bromton* (b), who places it to the 20th Year of his Reign, to which he also refers the making of *Doomsday-Book*, says thus of it: Henricum filium juniorem armis Militaribus decoravit, & convocatis Magnatibus, terræ Archiepiscopis, Episcopis, Abbatibus, & eorum Militibus eidem filio (this is false) fidelitatem jurari fecit. Hoveden ad an. 1086. In Hebdomada Pentecostes, filium suum Henricum, apud West. ubi Curiam suam tenuit, armis Militaribus honoravit, nec multo post mandavit. ut Archiepiscopi, Episcopi, Abbates, Comites, Barones, Vicecomites cum suis Militibus Cal. Augusti sibi occurrerent *Saresbiria*: quo cum venissent, Milites illoz sibi fidelitatem contra omnes homines jurare cogit. *Ingulphus*, who lived at that time (c): Apud Londonias homi-

(a) P. 212. (b) Col. 979. (c) P. 79.

nium sibi facere: & contra omnes homines fidelitatem jurare omnem Angliæ incolam imperans totam terram descripsit, &c. Florence of Worcester ad an. 1086. (and after him Simeon Dunelmensis :) In Hebdomada Pentecostes suum filium Henrico ap. Westm. ubi Curiam suam tenuit, armis Militaribus honoravit. Nec multo post mandavit ut Archiepiscopi, Episcopi, Abbates, Comites, Barones, cum suis Militibus die Cal. Aug. sibi occurrerent Saresburie. Quo cum venissent, Milites illorum sibi fidelitatem contra omnes homines jurare coegit. By Milites illorum, are meant the Military Tenants of the Archbishops, Bishops, &c.

The same Author, who liv'd as it were at that time (and out of him Simeon Dunelmensis and Knyghton) says of the making of Doomsday-Book, which he places to the same Year, that the K. made all England to be described, quantum terræ quisq; Baronum suorum possidebat, &c. It was done by Persons, as Ingulphus says, chosen to that end in the several parts of the Kingdom, who gave an Account of the several Estates, &c. that lay near them, and that upon Oath, as (a) Radulphus de Diceto tells us.

The Law by which he separated the two Jurisdictions, and forbad Bishops and Archdeacons to sit Judges in the County and Hundred-Courts, ran in the Name of the Archbishops, Bishops, Abbots, and all the Princes (or Principal Men) of the Kingdom; as appears by the Writ sent to the Diocess of Lincoln concerning that Matter: Willielmus G. D. Rex Anglorum Comitibus, Vicecomitibus, & omnibus Francigenis & Anglis qui in Episcopatu Remigii Episcopi terras habent, salutem. Sciatis Vos omnes & ceteri mei fideles qui in Angliâ manent quod Episcopales Leges quæ non bene nec secundum

(a) Ad an. 1087.

Sanctorum Canonum Præcepta usq; ad mea tempora in regno Anglorum fuerunt, Communi consilio (Concilio, vel consensu) & consilio Archiepiscoporum meorum & cæterorum Episcoporum & Abbatum, & omnium Principum regni mei emendendas judicavi. Propterea mando, & Regiâ auctoritate præcipio ut nullus Episcopus vel Archidiaconus de Legibus Episcopalibus amplius in Hundret Placita teneant: ne causam quæ ad regimen Animarum pertinet, ad judicium secularium hominum adducant, sed quicumq; secundum Episcopales Leges, de quacunq; causâ vel interpellatus fuerit, ad locum ad hoc Episcopus elegerit, & nominaverit veniat, ibiq; de Causâ suâ respondeat; & non secundum Hundret, sed secundum Canones, & Episcopales Leges, rectum Deo & Episcopo suo faciat: By the same Law, if any one refus'd to be judged by the Bishops, he was to be compell'd by the Sheriff, or by complaint to the King's Court, and all Laymen are forbid to interpose in the Bishops Courts. This Law Mr. Selden (a) has publish'd but imperfectly, in the 2d Vol. of our Councils, p. 14. it may be seen entire.

In his Laws, which are call'd his Charter (or *Magna Charta*) publish'd first by Mr. Selden, in his Notes upon *Eadmer*, and afterwards by Sir Roger Twisden at the end of *Bede's Eccles. History*, with some small Variations out of the *Red Book of the Exchequer*, He mentions, that he had decreed by the Common Counsel of the whole Kingdom, that all his Tenants should be always ready with their Arms to serve him if need were. *Statuimus etiam & firmiter præcipimus, ut omnes Comites, & Barones, & Milites, & Servientes, & universi liberi homines totius regni nostri prædicti habeant & teneant se semper bene in armis & in equis, ut decet, & oportet, &*

(a) Not in Eadm. p. 167. 8,

quod sint semper prompti & bene parati ad servitium suum integrum nobis explendum & peragendum cum semper opus adfuerit, secundum quod nobis debent de feodis & tenementis suis de jure facere, & sic ut illis statuimus PER COMMUNE CONSILIUM TOTIUS REGNI, & illis dedimus & concessimus in feodo jure hæreditario.

The next Statute following is said to have been made in the City of London. These Laws begin thus :

Statuimus imprimis super omnia, unum Deum per totum Regnum nostrum venerari, &c. And the particular Decrees run after this manner : *Volumus ac firmiter præcipimus.* — *Statuimus etiam & firmiter præcipimus.* — *Interdicimus* — *Prohibemus* — And the

Additional Laws, which are not found in the Red Book of the Exchequer, but in (a) Bromton, under the Title of *Institutiones sive Leges Regis Willielmi*, (He seems to have known nothing of any other of the Conqueror's Laws besides those few) begin thus : *Willielmus, D. G. Rex Anglorum, Omnibus ad quos scriptum hoc perveniat, salutem & amicitiam. MANDO & PRÆCIPIO per totam Angliæ nationem custodiri, &c.* This same Collection of the Conqueror's Laws is extant, part of it, in (b) Hoveden, extracted out of Glanvill's Collection of Laws ; and there it is said, that they were all made by the Consent of his Princes. *Hic intimatur quid Willielmus Rex CUM PRINCIPIBUS SUIS constituit post conquestionem Angliæ. In primis quidem super omnia unum Deum vellet super totum Regnum suum venerari, &c.*

Another Law, not extant in those Collections, the Conqueror made, forbidding Bishops to Excommunicate, or otherwise punish any of his Barons, or Servants, without his Consent first obtain'd ; Mention'd by (c) Eadmer and others.

(a) Col. 982. (b) Fol. 342. b. (c) Hist. Nov. l. l. p. 6.
The

The (a) *History of Battel-Abby*, which He himself founded, amongst many other great *Elogiums*, tells us, that He was in *Legum statutis reformandis ac servandis studiosus*. In the beginning of his Reign he was mild and gentle to the *English*, and acted in all things fairly. *Jura quæcunq; dictavit optimisationibus dictavit*, says *Gulielmus Pictaviensis* (b), who lived then in his Court. As *Henry of Huntindon* says, he granted 'em *Liberty*, and their ancient *Laws*. But after the *English* had rebell'd against him, as he depriv'd almost all the whole Nation of their *Estates*, so he endeavour'd by all means to settle the *Norman Laws* and *Customs* in this Kingdom. So *Eadmer* tells us in these Words; *Usus ergo atq; leges, quas patres sui & ipse in Normanniâ habere solebant, in Angliâ servare volens, de hujusmodi personis Episcopos, Abbates, & alios Principes per totam terram instituit, de quibus indignum judicaretur, si per omnia suis Legibus, postpositâ omni aliâ consideratione, non obedirent, & si ulus eorum, pro quavis terreni honoris potentia, caput contra eum levare auderet; scientibus cunctis unde, qui, ad quid assumpti fuerint*. He adds: *Cuncta ergo, Divina simul, & humana, ejus nutum expectabant*. *Ingulphus* says, the *Normans* abhorr'd the *English Tongue*, to that degree, that the *Laws* of the Land, and the *Statutes* of the *English Kings* (meaning the *Laws* called *K. Edward's*) were express'd in the *French Tongue*; that *Children* at School were taught to Read, not in *English*, but in *French*, and the *English manner* of *Writing* (that is, the *English* or *Saxon Characters*) in *Charters*, and in all *Books*, was laid aside, and the *French* introduced in stead of it. In the *Chronologia Rothomagensis*, printed at the end of *Gabriel du Moulin's History* of the

(a) Ap. Monast. Tom. i. p. 312, (b) P. 207.

Conquests of the Normans, which was writ long after the Conqueror's time, we are told, that Leges quas in hunc diem Angli observant, idiomate Normannico promulgavit. A MS. Chronicle (a) in Sir Rob. Cotton's Library which begins with Brute, and ends in Ed. III. has these Words concerning the Conqueror's alteration of our Laws: Qui quidem Willielmus Nothus post mortem prædicti Haraldî totum Regnum suæ potestati subjecit, & sicut Conquestor in eodem postea regnavit. Et ab eo ejusq; Successoribus omnia jura fere in isto regno modernis temporibus approbata & per Juris peritos allegata seu usitata interierunt, sic quod nihil vel Regibus vel eorum Legibus hic supra in primo & 2do libris memoratis, in Causis Judicialibus facta est mentio. Ideo ab isto Willielmo Conquestore novas Leges in regno isto incipiente incipiat novus Liber.

In the Conqueror's time, the great Earls, on whom he bestowed the particular Counties, had power to make Laws by their own Authority, within their Counties: For so *Malmesbury (b)* speaks of *William Fitz-Osbern, Earl of Hereford: Manet in hunc diem in Comitatu ejus apud Herefordum Legum quas statuit, inconcussa firmitas; ut nullus miles (or Military Tenant) pro qualicunq; commisso plus septem solidis solvat: cum in aliis Provinciis, ob parvam occasiunculam intransgressione præcepti herilis, 20 vel 25 pendantur.*

Before we leave the Conqueror, I cannot but be so just to my Reader, as to give him a Caution not to depend with too much Confidence on the Charters of Monasteries above-mention'd ascrib'd to Him. I do not desire to be thought fond of calling ancient Writings in question: But as I have been already so

(a) Titus A. 13. (b) P. 59.

free, as to profess no great Regard for the much greater part of those Charters which are pretended to be made before the *Conquest*, so of those likewise which I have cited as the *Conqueror's*, I have Reason, and I think a very good one, to doubt. The Objection I have against 'em, is the great number of Subscribers, the Pomp and Parade of the Business, and then the Sign of the *Cross* which the Subscribers use. For *Ingulphus* expressly affirms, that whereas before the *Conquest* Charters us'd to be subscrib'd with the Sign of the *Cross*, that Custom was not us'd by the *Normans* in the *Conqueror's* time; but that they chang'd that Custom, and instead of the Sign of the *Cross*, the Witnesses put to their *Seals*; and that not in any great number, but 3 or 4 Witnesses sufficed. And how competent a Witness as to this Matter *Ingulphus* is, may appear from his having been once Secretary to the *Conqueror* himself, and afterwards an *Abbot*. Speaking of the Custom of Consecrating Knights, which the *Normans* despised; (a) *& non tantum hunc morem, says he, sed alias etiam consuetudines immutabant. Nam Chirographorum confectionem Anglicanam, quæ antea usq; ad Edwardi R. tempora, fidelium præsentium subscriptionibus cum Crucibus aureis aliisq; sacris signaculis firma fuerunt, Normanni condemnantes, Chirographa Chartas vocabant; & Chartarum firmitatem cum cereâ impressione per uniuscujusq; speciale sigillum sub instillatione trium vel quatuor testium conficere constituebant.* He adds, that in the beginning of the *Conqueror's* Reign, they were wont to convey Estates by word of Mouth, without any Writing at all, *tantum cum Domini gladio, vel galea, vel cornu, vel cratera: & plurima tenementa conferebantur cum calcari, cum strigili, cum arcu, & nonnulla cum sagitta:*

Sed hæc initio regni, posterioribus annis immutatus est iste modus.

Agreeable to this Account of *Ingulphus*, there are many of the Conqueror's Charters to be seen in the *Monasticon* and elsewhere, whose *Teste's* are very short and plain, not above 3 or 4 Witnessees, without any Sign of the *Cross*. And in that incomparable Treasure of the *Cottonian* Library, there is to be seen the very Original Charter, by which he granted *Battel-Abby* an *Exemption* from *Episcopal* Jurisdiction, and gave it the Privilege of a *Chappel Royal*, with his *Broad Seal* appendant: Which Mr. *Selden* has publish'd, together with a Cut of the Seal, in his Notes upon *Eadmer* (a). The *Teste* is no more than this: *Hujus rei testes sunt LANFRANCUS Archiepiscopus Cant. STIGANDUS Cicestrensis Episcopus, WALKELINUS Episcopus Winton. WULSTANUS Wigorn. Episcopus. Qui omnes me præsentē & audiente horum præceptorum meorum & constitutionum violatores perpetuo anathemate damnaverunt. Apud WINTON.* And in the (b) *Monasticon* there is another Charter of his to the same Abby, with this short *Teste*, and without any Signs of the *Cross*. *Teste PETRO Episcopo Cestriæ, HERMANO Episcopo Saresberię, WILIELMO Comite Warennię; BERNARDO de Novomercato,* (to which are added only the *Abbot* of the Place, with his *Monks*) & *GAUSBERTO nunc ejusdem loci Abbate, cum Monachis suis, qui ad hanc Cartam faciendam præsentēs fuerunt. Apud WINTON.* His Charter to the Abby of *Croyland*, which *Ingulphus* himself (c) has recorded, has indeed at least 9 or 10 Witnessees (not 3 or 4 only, which was most usual) But it has not any *Crosses*.

(a) P. 165. (b) Tom. I. p. 318. (c) P. 86.

There is extant (I confess) another Charter in the *Monasticon*, granted by the Conqueror to *Battel-Abby*, publish'd, as the *Editor* tells us, out of the *Original*, *penes Comitem WINCHELSETERNSEM*, in which, as there are 12 Witnesses besides the King, (*viz.* the 2 Archbishops, 4 Bishops, 3 Earls, and 3 other Lay-Lords) so the *Cross* is put to every one's Name. But unless that Charter has the *Broad-Seal* to it, it may not be, after all, a true *Original*, but a Forgery, as well as the rest above-mention'd. However it be, it appears from what has been said, that the using many Witnesses, and the Sign of the *Cross* in *Charters* was after the Conquest, at least very rare. And it is to be observed, that the Witnesses there subscribe with much less Pomp than in those above-mention'd, barely writing their Names with a *Cross*, without any *Consensi*, *Confirmavi*, or *Corroboravi*.

That Charter runs altogether *Regali auctoritate*, without any mention of the *Prelates* or *Barons Consent*, tho' it mentions also an *Exemption* from Episcopal Jurisdiction. But that in Sir Rob. Cotton's Library, which has the Seal appending, is granted assensu *LANFRANCI Archiepiscopi Cant. & STIGANDI Episcopi Cicestreensis & Consilio etiam Episcoporum & Baronum meorum*—*Hoc etiam Regali auctoritate, & Episcoporum ac Baronum meorum attestacione constituo, &c.*

This I take to have been, in reality, the first *Exemption* that was ever granted in *England* to any *Monastery*. After the granting of that, other *Monasteries*, that they might enjoy the same Privilege, set about forging new Charters for themselves. What time this *Exemption* was granted, is not certainly known, because there is no Date to either of the Charters that mention it. But in that later one, which was in the Earl of *Winchelsey's* Possession, *Maurice Bishop*
of

of *London* is one of the Witnesses, who was not made Bishop till within 2 or 3 Years at most before the Conqueror's Death, *an.* 1085. as *Florence of Worcester*, and out of him *Simeon Dunelmensis*, assure us : So also the *Saxon Chron.* And with them agrees *Henry of Huntindon*, who places his Consecration to the Conqueror's 18th Year. Others, as *Rad. de Diceto*, place it to the Year 1087. which was the last of his Reign.

The Conqueror's Charter to the Abby of *Bury*, above-mention'd, which confirms the *Exemption* pretended to be granted by *K. Canut*, in opposition to *Arfastus*, the *Bish. of Norwich*'s Pretensions, was lookt upon by the Judges in *Ed.* the 3d's Reign, to be genuine and good in Law ; and by force of that, the then Bishop of *Norwich* had a heavy Fine laid upon him, for pretending to a Jurisdiction over that Monastery ; as may be read in the Year-Book 21 *E.* 3. *fo.* 60. and out of that, in the Lord *Coke*'s Preface to his 9th Report. But whether those Judges were sufficiently careful in examining the genuineness of that Charter or Writ, may be reasonably doubted. And that is the only Instance the Lord *Coke* had to produce, to prove that *Parliaments* were sometimes call'd by the Conqueror. I have given my Reader many at least as good as that, and, I hope, some better.

That the Judges were, in truth, deceived, and that in particular that Charter of *Exemption*, pretended to be granted by the Conqueror to the Abby of *Bury*, is a Forgery, appears from what *Eadmer*, who liv'd in those times, relates of *Baldwin* the Abbot, That (in the Conqueror's time) he went to *Rome*, and there obtain'd an *Exemption* of the Pope : which Archbishop *Lanfranc* taking ill, depriv'd him of, and did not restore it him till a little before his Death : And that afterwards in the
Reign

Reign of Hen. I. Herbert Bishop of Thetford or Norw-
 wick, applied himself to P. Paschal II. to have it re-
 voked. And this also is to be observed, that ac-
 cording to the Conqueror's Charter, that Abby was
 to have a perfect and full *Exemption* (not only from
 the Bishop's, but also from the Archbishop's Autori-
 ty;) whereas it appears from Eadmer, that in those
 Days it did not so much as pretend to an *Exemp-
 tion* from the Archbishop's Jurisdiction, but only
 from the Bishop's. This Testimony puts the Mat-
 ter beyond all doubt, and shews what little regard
 ought to be had to any Charters of that kind; and
 confirms in particular, what I said concerning the
 spuriousness of K. Canut's Charter to the same Mo-
 nastery: And therefore I shall here produce the
 Author's own Words. *Hist. Nov. lib. 3.* Bishop Her-
 bert (says he) took a Journey to Rome, with an In-
 tention to recover *ablatam Ecclesiæ suæ curam Chri-
 stianitatis super Abbatiam S. Eadmundi. Ante paucos
 siquidem annos Baldvinus ipsius Cænobii Abbas Romam
 adierat, & apud Alexandrum Papam privilegium ipsi
 Abbatiae adquisiverat, per quod eam à subjectione omni-
 um Episcoporum, salvâ PRIMATIS obedientiâ, liberam
 effecerat. Quod factum Lanfrancus Archiepiscopus mc-
 leste accipiens, ipsum privilegium Abbati ABSTULIT,
 nec illud ei nisi circa finem vitæ suæ multorum precibus mo-
 tus reddere voluit. Præfatus ergo Episcopus Episcopatum
 Theodfordensem seu Norwicensem, in cujus Parochiâ
 eadem Abbatia esse scitur, suo jure NON JURE pri-
 vatum esse ægre ferens, ut diximus Romam ire, & si
 forte posset in antiquam dignitatem Ecclesiam cui præsi-
 debat restituere, adminiculante æquitate, cogitabat.*
 Pope Alexander, who granted that Charter, died an.
 1073.

'Twas my Lord Coke's Opinion (a), That the Conqueror changed the Name of this Court, and first called it by the Name of Parliament. And the Name he derives from *Parler la ment*; that is, as he tells us, from *speaking their Minds*. But in my *French Dictionaries* I find no such Word as *Ment*: And I know that great Lawyer was no very happy *Ety-mologist*.

Parliaments under William Rufus.

THE Conqueror dying 1087. Sept. 9. William Rufus his second Son, in the absence of his elder Brother Robert, was elected King by Archbishop Lanfranc, as (b) *Gervasius* tells us. Eadmer (c) says, that *without the Archbishop's consent* he could by no means obtain the Crown; and therefore to prevail with him, he made him a great many solemn Promises, both by himself and others, that if he were made King, he would in all things observe Justice, Equity, and Mercy, and be governed wholly by his Counsel. But after he was made King, being tax'd by the Archbishop for not keeping his Word: *Who* (says he) *can fulfil all that he promises?* He was crown'd, as Bromton (d) says, *convocatis terræ magnatibus* at Westm. Sept. 27.

The Christmas following he kept his Court at London, where were present the 2 Archbishops, with many of the Bishops, *ac Justiciarii & Principes totius Angliæ*, as the same Historian says.

(a) Pref. to his 9th Report. (b) AÆ. Pont. Col. 1655.
(c) Hist. Nov. l. i. p. 13, 14. (d) Col. 983.

The *Lent* next after, his Unkle *Odo*, Earl of *Kent*, and Bishop of *Baieux*, having rais'd an Army and declar'd for his elder Brother *Robert*, and most of the *Normans* joining with him, he calls together, says *Ordericus Vitalis*, Archbishop *Lanfranc*, with his *Suffragan Bishops*, & *Comites*, *Anglosq; naturales*, & *conatus Adversariorum*, & velle suum expugnandi eos indicavit. As (a) *Malmesbury's* Words are: *Anglos probos*, & *fortes viros*, qui adhuc residui erant, invitatoriis scriptis arcessit; quibus super injuriis suis querimoniam faciens, bonasq; *Leges*, & *Tributorum levamen*, liberaq; *Venationes* pollicens, fidelitati suæ obligavit. Whatsoever (b) *Dr. Brady* says to the contrary, there is nothing more evident, than that this Parliament or Convention consisted chiefly of the natural *English*, and consequently of Persons under the Degree of the *Nobility*: For (as (c) *Huntindon* assures us) there was at that time scarce any one of the *English Nobility* remaining. *Nec jam vix aliquis princeps de progenie Anglorum esset in Angliâ, sed omnes ad servitutem & ad mœrorem redacti.* *Hoveden's* (d) Words concerning that Convention: *His auditis Rex fecit congregari Anglos, & ostendit eis traditionem Normannorum, & rogavit ut sibi auxilio essent eo tenore, ut si in hac necessitate sibi fideles existerent, meliorem Legem, quam vellent eligere, eis concederet, & omne injustum scottum interdixit, & concessit omnibus sylvas suas, & venationem. Sed quicquid promisit parvo tempore custodivit.* The *Sax.Chron.* (e) *Tunc accersivit Anglos, & iis exposuit suas angustias, rogavitq; eos auxilium, pollicitus iis meliores Leges quam unquam fuerunt in hac terrâ, omnia item injusta tributa abrogavit, concessuq; subditis suas sylvas & venatus: verum hoc haud diu man-*

(a) Fol. 68. (b) Glossar. Introduct. p. 1. (c) P. 212.
(d) Fol. 265. b. (e) P. 144.

fit. Florence of Worcester (a): *Congregato quantum ad præsens poterat Normannorum, sed tamen maxime Anglorum equestri & pedestri (licet mediocri) exercitu statuens Leges, promittens fautoribus omnia bona, &c.* Mat. Paris: *Videns Rex Willielmus omnes prime regni Proceres unâ rabie conspiratos; Angles fortitudine & probitate insignes, faciles Legess, &c. promittendo sibi devinxit.*

To the same purpose the *Waverly Annals*, and *Hemingsford*. The former say expressly, that the Persons conven'd on that occasion, were the *Populus Anglorum*.

Archbishop *Lanfranc* dying, May 24. 1089. the Archbishoprick was kept void about 4 Years before another was nominated. On *Christmas an. 1092. cum gratiâ Dominicæ Nativitatis omnes regni primores* (says (b) *Eadmer*) *ad Curiam Regis, pro more, venissent, it happen'd that with one consent, all the chief of 'em complain'd of his keeping the Archbishoprick void, and resolv'd to petition the K. that he would permit Prayers to be had in all the Churches of the Kingdom, That God would inspire the King with Grace to nominate an Archbishop.* This Petition in a Body they present to the King; who, tho' angry at first, permits Prayers to be made to that purpose. The Form of Prayer was immediately at the Bishop's Request drawn up by Abbot *Anselm*, and read in the Presence of the *tota Nobilitas regni*.

The next *Lent* the King falling sick at *Glocester*, where there came together (c) *omnes totius regni Principes, Episcopi, Abbates, & quique Nobiles*, expecting that he would die; he nominated *Anselm* to be Archbishop: and in the same fit of Piety, made a promise (d) *se prævas Leges emendaturum*. At that

(a) An. 1088. (b) P. 15. (c) *Eadmer* p. 16. (d) *Huntingdon* Fol. 213. b.

time, says *Hoveden* (a), his *Barons* exhorting him to amend his Life, and not to oppress the Church, he made a Vow to God, that he would *irrectas Leges destruere, ac rectas statuere*. But as soon as he was (b) recovered, he became much worse than before. He promis'd, says the *Saxon Chron.* (c) *omnes iustas Leges in sua Natione statuere*, but after he was well, *omnes bonas Leges, abrogavit quas nobis fuerat pollicitus*. A MS. Chron. in (d) *Lambeth Library*: *Graviter infirmus promisit bonas Leges positurum & pacem habere cum Ecclesiâ, sed cum sanus factus esset penituit promississe, & gravius solito Ecclesiam & Regnum oppressit*. So the *Waverly Annals* and *Hemingsford*.

Some Months after, at *Winchester*, the new Archbishop did Homage to the King, (e) *adunato ibi conventu Nobilium*.

The K. being a little after that at *Hastings*, with a design to sail into *Normandy*, summon'd thither the Bishops and Great Men of the Kingdom (f): *Ex precepto Regis, omnes fere Episcopi, una cum Principibus Angliæ ad Hastings convenerunt ipsum Regem in Normanniam transfretaturum, sua benedictione & concursu prosecuti*. Where a difference arose between the K. and the Archbishop.

The K. returning into *England*, the Archbishop waited upon him at *Gillingham* near *Shaftesbury*, and there desiring leave to go to Pope *Urban*, for the *Pall*, the K. would not permit it, P. *Urban* being not own'd as the true Pope in *England*. For at that time there being 2 *Antipopes*, neither of 'em was acknowledg'd in this Kingdom. But *Urban* being acknowledg'd in *Italy* and *France*, *Anselm*

(a) Fol. 265. b. (b) Eadm p. 20. (c) An. 1093. (d) 4to Vol. 160. ad an. 1091. hoc vero male. (e) Eadmer p. 20. (f) P. 23.

had before subjected himself to him, when an Abbot in Normandy. The Archbishop appeals to the Parliament to have this Point determined, Whether as Archbishop he might not swear Obedience to the Pope without the King's Consent :

(a) *Petivit inducias ad istius rei examinationem quatenus Episcopis, Abbatibus, cunctisq; regni Principibus una coeuntibus communi assensu definiretur, Utrum salvâ reverentiâ & obedientiâ sedis Apostolicæ, posset fidem terreno Regi servare, annon ?*

Accordingly on the xith of March, an. 1094. by the King's Decree, there met at Rockingham in Northamptonshire to determine that Point (b) *ferme totius regni Nobilitas*. The Parliament was held there on a Sunday in the Church of the Castle : And there were present in it, besides Bishops, Abbots, and Lords, many of the inferior Monks, Clergymen, and Laicks, as appears from these Words of Eadmer, who himself was there in Person, as an Attendant upon the Archbishop. *Fit itaq; Conventus omnium, Dominico die, in Ecclesiâ quæ est in ipso Castro sita ab hora prima, Rege & suis secretius in Anselmum consilia sua texentibus. Anselmus autem Episcopis, Abbatibus, & Principibus ad se à regio secreto vocatis, eos & assistentem Monachorum, Clericorum, Laicorum numerosam multitudinem hac voce alloquitur. Fratres mei Ecclesiæ Dei, omnes dico qui hic congregati estis in nomine Domini, precor intendite, & causæ propter quam venientiam adunati estis, pro viribus opem vestri consilii ferte. — Pro cujus consilii adeptione petivi inducias in hunc diem quatenus in unum conveniretis, communi consilio investigaretis, utrumnam possim, &c. — Petivi, inquam, inducias, & accepi, & ecce gratiâ Dei adestis. Omnes itaq; sed vos precipue, Fratres*

& Coepiscopi mei, precor & moneo, quatenus istis diligenter inspectis studiosius, sicut vos decet, quo inniti queam, mihi consilium detis, &c. ——— Præcepit itaq; Rex ut omnia in crastinum quia dies Dominica erat, differrentur, & Anselmus ad hospitium suum, Curiam mane petiturus, reverteretur. Factum est ita. Et mane juxta condictum, reversi sumus. Itaq; Anselmus in medio Præcerum & conglobatæ multitudinis sedens, ita orsus est. Si juxta quod à vobis, Domini Fratres, hesterno die, consilium de præsentî causâ petivi, vel nunc dare velletis, acciperem, &c. ——— Ad quæ Rex vehementer iratus, cum Episcopis atq; Principibus intentissime quærere cæpit, quid dictis ejus objicere possit. The Result of the whole was, that the Bishops renounced all Obedience to the Archbishop. In another place (a) Eadmer says, that in the *Placitum apud Rochingeham* there was *totius Regni adunatio*. He tells us (b) of a Knight in that Council, who in the Name of the People there present, encouraged the Archbishop. Which further proves that there were many of the Commons in that Parliament. *MILES unus de MULTITUDINE prodiens Viro astitit flexis coram eo genibus dicens. Domine Pater, rogant te per me supplices filii tui ne turbetur cor tuum, &c. Quæ verba dum Pater comi vultu accepisset, intellexit animum POPULI in suâ secum sententiâ esse. Gavisî ergo exinde sumus, & animæquiores effecti, confidentes, juxta Scripturam vocem POPULI, vocem esse Dei.*

It was not long before there was Peace made between the K. and the Archbishop. viz. in a Curia held at Windsor in Whitsuntide, where the K. receiv'd him into Favour Principum suorum consilio usus. He there talk'd with him familiarly, says (c) Eadmer, in conspectu Præcerum & coadunatæ multitudinis. And

(a) P. 39. (b) P. 29. (c) P. 33, 34.

there it was debated, whether the Archbishop should receive his Pall, which had been lately sent him from *Rome*, from the King's Hands, or not. But at last it was agreed, that it should be laid on the Altar in *Canterbury Church*, and from thence the Archbishop should take it. *Adquievit istis multitudo omnis.*

Some little time after, viz. an. 1097. he was unexpectedly cited to appear in the King's (a) *Curia*, there to answer to certain Allegations. *Eadmer*, telling us, that on the *Whitsuntide* following he came to the King's Court on the account of the *Festival*, and that the Cause was there dropt, seems to intimate, That the Custom was, not to treat there of Business (whether *Judicial*, or of State Matters) till the *Holy-days* and the great *Feasting* was over. (b) *Cum igitur in Pentecoste, Festivitatibus gratia, Regiæ Curie se præsentasset, & modo inter prandendum, modo alias quemadmodum oportunitas se offerebat, statum animi Regalis studiose perquisisset, — peractis festivioribus diebus, diversorum negotiorum Causæ in medium duci ex more cæperunt.*

The next *August* following, as the same Author (c) relates, the K. by his *Edict* call'd together the *Bishops, Abbots, & quosq; Regni Proceres, de statu Regni acturus.*

Whilst the Archbishop's Cause was depending, an. 1093. *Malcolm K. of Scotland* coming to *Glocester* to have an Interview with the K. and to establish a Peace with him, the K. through Pride, refus'd to see him, and propos'd that he should make him Satisfaction according to the Judgment of his *Barons in his Court*. This K. *Malmcolm* refus'd to do, but yielded to stand to the Judgment of the

(a) P. 37. (b.) P. 37. (c) P. 38.

Great Men of both Kingdoms, meeting together on the Borders. *Florence ad. an. 1093.* and out of him (a) Hoveden, (b) Simeon Dunelm. and (c) Bromton. *Insuper etiam illum, ut secundum iudicium tantum Baronum suorum in Curia sua rectitudinem ei faceret, constringere voluit, sed id agere nisi in Regnorum suorum confiniis, ubi Reges Scotorum erant soliti rectitudinem facere Regibus Angliæ & secundum iudicium Primatum utriusq; Regni, nullo modo Malcolmus voluit.*

An. 1095. Rex jussit summoneri per totam hanc terram, ut quicunq; sub Rege terram habere vellet, & eam in pace tenere ad Natale ad Curiam esset. Annales Waverl.

An. 1096. in Octavis Epiphaniæ fuit Rex & omnes Barones sui apud Salesburi. Where many were depriv'd of their Estates. *Ibid.*

An. 1099. at (d) Christmas, or, as others (e) say, at Whitsuntide, he held his Curia or Parliament in Westminster-Hall. Which was the first that was ever held there, it being just then finishd.

That he several times laid very heavy Taxes on the People, we read in the *Saxon Chronicle. Matt. Paris* takes notice of one very insupportable *ad an. 1098.* And he tax'd not only the Laity but the Clergy too, as a (f) *MS. Chronicle* observes. In another (g) *MS. Chronicle* we are told, that the Prelates, to satisfy him, were forced to oppress their People; and that one great Reason of his squeezing his Subjects so much, was his building *Westminster-Hall*, and what he did to the Tower of *London.*

Hemingsford tells us, that in the Year 1095. his

(a) Fol. 265. (b) Col. 218. (c) Col. 989. (d) *M. Paris* p. 44. (e) *Saxon Chron. and the Waverly Annals.* (f) *Bible Lambeth* 4to. 160. (g) *Lambeth* 4to. 196.

Brother Robert, Duke of Normandy, proposing to borrow of him 10000 Marks of Silver for his Expedition to the Holy Land, he required the *Majores Angliæ*, that every one of 'em should forthwith borrow as much Money as they could. On which account the Bishops, Abbots, Abbesses turn'd the Gold and Silver Vessels of the Church into Money: And the Earls and Barons, & *cæteri Magnates* despoil'd their Subjects of what they had, and presented the K. with an immense Sum by way of Gift: who thereupon lent his Brother the Duke 6666 Pounds of Silver, and had the Dukedom of Normandy in Mortgage for it. At this time it was that the Tax call'd *Danegeld*, which was at first rais'd as an Aid against the Danes, was first levied on the Clergy. So we find in the interpolated Latin Edition of the Confessor's Laws; (a) It is there said, that *Will. Rufus à Baronibus Angliæ auxilium requirente, ad Normaniam requirendam & retinendam de Roberto suo fratre cognomine Cortehose Jerusalem proficiscente, concessum est ei, non lege sancitum, nec firmatum; sed hæc necessitatis causa ex unaquaq; hyda sibi dari 4. solidos Ecclesiâ non excepta. Dum vero collectio census fieret, proclamabat Ecclesia, suam reposcens libertatem, sed nil profecit.*

Among the Charters ascribed to that King, there is one (b) to Thomas Archbishop of York, in which there is mention made of a Controversie touching certain Lands depending lately between the Archbishop and the Church of York, in *præsentia mea, & Episcoporum, & Procerum meorum*. It is signed first, after the K. by the Archbishop of York, the Bishops of Winchester and Durham; after them by Anselm Archbishop of Canterbury, and the

(a) Ap. Hoveden fol. 344. (b) Monast. Tom. 3. p. 131.
260.

Bishop of Rochester. The oddness of which Subscription, besides that they use the Sign of the Cross, is to me sufficient Argument that it ought not to be much depended upon.

Parliaments under Hen. I.

AN. 1100. Will. Rufus being kill'd accidentally by one Tyrrel a Norman (not (a) an Inhabitant of England, and Ancestor to the Gentlemen of that Name here, as is commonly believ'd) his younger Brother Henry was advanced to the Throne, in a great Convention of the Clergy, and all the People of England, as M. Paris expresses it. To prevail with whom, he promis'd to amend the Laws, and according to their desire, restore the Laws of K. Edward: *Congregato Londoniis Clero Angliæ & Populo universo, promisit emendationem Legum.—Ad hæc Clero respondente, & Magnatibus cunctis. Quod si animo volente ipsis vellet concedere, & chartâ suâ communire illas libertates & consuetudines antiquas, quæ floruerunt in regno tempore sancti R. Edwardi, in ipsum consentirent, & in Regem unanimiter consecrarent.* Knyghton (b) tells us, that this Convention consisted of the whole Community of the Kingdom: *Iste Ro-*

(a) See Florence of Worcester ad an. 1100. Malmesb. fol. 71. Eadmer in the Life of Anselm. p. 6. Jo. Sariesber. in the Life of Anselm c. 3. ap. Angl. Sac. Tom. 2. Orderic. Vitalem Hist. Eccl. p. 782, 783. From whom it appears, that he lived both before and after the Death of Rufus in Normandy, and died at Jerusalem, or in his Journey thither, leaving one Son, who inherited his Father's Estate, in Normandy, nam'd Hugo de Pice. (b) Col. 2374.

bertus semper contrarius & adeo innaturalis extiterat Baronibus Regni Angliæ quod plenario consensu & consilio totius Communitatis regni (here he distinguishes the Community there present from the Barons) imposuerunt ei illigimitatem, quod non fuerat procreatus de legitimo thoro Willielmi Conquestoris, unde unanimi assensu suo ipsum refutaverunt, & pro Rege omnino recusaverunt, & Henricum fratrem in Regem erexerunt.

It must be confess'd, that these Historians speak too largely, when they say, that all the People of England, or the Community of the whole Kingdom were in that Convention. For Florence of Worcester, who flourish'd at that time, assures us, that Rufus was kill'd on Thursday the 2d of August (*iv. Non. Augusti feriâ v.*) and Henry was Crown'd the Sunday following (*Nonas Augusti die Dominico:*) So that none could be there but such as lived near London. Paris says, that he was Crown'd on the Day of the Assumption of the Virgin Mary, which was the 15th of that Month, and in that time they might have assembled from even the remotest Parts; but Florence's Authority is much greater than his in this Point. And with him agrees Malmsbury, and also the Saxon Chronicle (a) which tells us, that Rufus being kill'd on Thursday, was buried the next Morning at Winchester; and as soon as he was buried, the Optimates qui prope fuerunt, ejus fratrem Heanrigum in Regem elegerunt: Who after that went to London, and on the Sunday following was crown'd at Westminster, where he promis'd to God, & omni Populo, se omnia injusta abrogaturum quæ fratris temporibus obtinuerant, & optimas Leges stabiliturum quæ in cujusvis Regis diebus ante ipsum vigerunt. The Waverly Annals say, that he was chosen by the Barons which were then at Winchester when Will. Rufus was buried.

(a) P. 208.

In a MS. *Chron.* in *Lambeth Library* (a) it is said, he was chosen K. the *fourth* Day after his Brother's Death, and that immediately *Leges Edwardi Confessoris cum suis emendationibus observari jussit*. But that is an Error. For he himself made no Emendations in the Laws of K. *Edward*.

At the time of his Coronation he seal'd a *Magna Charta*, and publish'd it (b) in all parts of the Kingdom, wherein he commands the Laws of K. *Edward*, as corrected by his Father, to be observ'd, and enacts divers other good Laws. The Charter is extant in (c) *M. Paris*, and in (d) *Richard the Prior of Hagustald* his History of K. *Stephen*, and in (e) *Bromton*. And all those things he confirms with his own Oath, and with the Oaths of *all the Proceres*, that they might not be eluded, says (f) *Malmesbury*. The Original was repositied by his command in his *Treasury* at *Winchester*, as the *Prior of Hagustald* informs us. And, as *Paris* tells us, there were as many Copies of it drawn as there were Counties in England, which by his Command were laid up in the *Abbies* (he means, I suppose, the Chief *Abby*) of every County for a Monument. The same Author calls those Laws, so does also a MS (g) *Chronicle*, *novi Concilii Decreta*.

He therein declares, that he retain'd the *Forests* in his Hands *communi consensu Baronum meorum*.

And that he was made K. by common Counsel of the *Barons of England*. *Henricus, D. G. Rex Anglorum, omnibus fidelibus suis tam Francigenis quam Anglicis totius Angliæ salutem. Sciatis me misericordiâ Dei & communi consilio Baronum regni Angliæ ejusdem regni Regem coronatum esse.*

(a) Fol. 192. (b) Eadmer p. 55. (c) P. 46. & 202. (d) Col. 310. (e) Col. 1021. (f) P. 88. (g) *Lambeth* 4to 160.

The Charter, as it lies in *Paris*, and in *Wendover's* MS. Chronicle, which he followed, is subscribed by 3 Bishops, and 5 Lay-Lords, as Witnesses, & *aliis multis*. In the *Hagustald* Chronicle it has the Names of 7 Lay-Lords without the & *multis aliis*. In *Bromton*, and in the *Red Book* of the *Exchequer*, it is, *Testibus Archiepiscopis, Episcopis, Comitibus, Baronibus, Vicecomitibus, & Optimatibus totius Regni Angliæ, apud Westm. quando Coronatus fuit*. Mr. *Selden* (a) conjectures, that the *Sheriffs* were therefore summon'd, that they might carry Copies of it to their respective Counties. But I take the former Subscription, not this, to be the true one.

Immediately after, *de consilio totius Ecclesiæ Anglicanæ*, says *Paris*, (b) he sent to recal Archbishop *Anselm*, whom *W. Rufus* had driven out of the Kingdom.

Eadmer in that Archbishop's Life, tells us, that there came many Letters to him to recal him into England, *cum precibus ex parte matris Ecclesiæ Anglorum, ex parte novi Regis Henrici, necnon ex parte Principum regni*. He was sent for, say the *Waverly Annals*, by the K. *consilio Baronum suorum*.

And (c) *de communi consilio gentis Anglorum*, he committed the Bishop of *Durham* to the Tower, who in his Predecessor's time was chief Minister of State, and had done many ill things.

Post hæc congregavit Rex Majores natu & Magnates terræ, & eorum consilio fretus Londini solemniter duxit in uxorem bonam Matildam filiam Malcolmi quondam Regis Scotorum. Hemingford and Bromton. Florence and Simeon Dunelm. say only : Majores natu Angliæ congregavit Londoniæ & — Matildem in conjugium accepit. A

(a) Tit. Hon. p. 702. (b) P. 47. (c) Ibid.

MS. Chronicle (a) says he married her *suadentibus amicis*.

An. 1101. Robert Duke of Normandy being about to invade the Kingdom, to engage his People more faithfully to his Interest, in his Curia at *Whitsuntide* the K. yielded to this Proposal of the Nobility and Commonalty, that he should promise Archbishop *Anselm*, holding him by the Hand, That as long as he lived he would govern the Kingdom with *Just and Holy Laws*: *Sed ubi ad sponsionem fidei Regis ventum est, toti Regni Nobilitas cum Populi numerositate Anselmum inter se & Regem medium fecerunt, quantus ei vice sui manu in manum porrecta promitteret, justis & sanctis Legibus se totum Regnum quoad viveret in cunctis administraturum.* (b) Eadmer.

The Archbishop (d), *adunatis Principibus cunctis*, exhorted 'em to stand firm in their Loyalty.

A while after (c) a Difference arising between the K. and the Archbishop concerning his doing Homage to the K. in opposition to the Pope, the Bishops and Proceres declar'd for the Supremacy. *Episcopis regniq; Proceribus, ut sub alio rege solebant, verba hinc inde ferentibus, & in singulis Regiæ voluntati parere certantibus, &c.*

The same Difference continuing, it was determin'd by the Bishops and Princes of the Land at *Winchester*, that, both sides should send to the Pope about it. (e) *Wintoniam vadit, ubi Episcopis terræq; Principibus, sub una coactis, communi assensu apud Anselmum actum est, &c.*

The Persons sent to Rome being return'd, the K. (f) *adunatis Londoniæ Principibus Regni requir'd*

(a) Lambeth Fol. Vol. 192. (b) P. 59. (c) Ibid. (d) Ibid p. 62. (e) Ibid. p. 62. (f) Ibid. p. 65.

the Archbishop either to do as had been done in the former Reigns, or to leave the Kingdom. The Pope's Letters not agreeing with what he had said to the Messengers, there was a great dissention *inter Proceres*, which they ought to depend upon, the Report of the Messengers, or the Letter? The K. there insisted on it (a) *faventibus simul & incitantibus eum Episcopis, regniq; Proceribus*, that the Archbishop should do him Homage. These things were done *an. 1101.*

Of the Parliament held *an. 1102.* I shall speak when I come to the Synod of that Year.

An. 1103. the same Controversie continuing between the K. and the Archbishop, the K. took a Journey to Canterbury to prevail with the Archbishop to desist from maintaining those Usurpations of the Pope. The Archbishop (b) requested, that the Matter might be put off to Easter, *ut audito Episcoporum regniq; Primatum consilio, qui modo non assunt, respondeam hinc.*——— *Igitur in Paschæ Curiam venit, Regni Ingenuitatem de negotio præsens consuluit, communis consilii vocem unam accepit, &c.*

About the same time the K. in a Council proposing to the Archbishop that he should go to Rome, all the Bishops, Abbots, and Princes of England approv'd of that Motion, says Eadmer in his Life: *In quo cum omnes totius Angliæ Episcopi, Abbates, & Principes acquiescerent, & eum pro tantâ re, quin iret nullatenus supersedere debere concl'amarent, &c.*

The K. in the Epistle (c) which he wrote this Year to P. Paschal II. concerning Investitures, tells him, that should he yield up his Right in that Point, neither his Optimates, nor the Commonalty

(a) P. 66. (b) P. 70. (c) Bromton col. 999.

of England would permit it. *Notumq; habeat sanctitas vestra, quod me vivente Deo auxiliante dignitates & usus Regni Angliæ non minuentur. Et si ego, quod absit, in tantâ me dejectione ponerem, Optimates mei, ymmo totius Angliæ Populus id nullo modo pateretur.*

In an Epistle, (a) which he wrote after that, to the Archbishop concerning the same Business, he tells him, that on the next *Ascension* day all his Barons should be convened, and he would give him an Answer according as they should advise him. *Et in die Ascensionis Domini habebō omnes Barones meos mecum congregatos, & per consilium eorum ita convenienter tibi respondebo, &c.*

An. 1106. Robert Duke of Normandy coming into England to make certain Proposals to the K. he being then at Northampton, summon'd a Parliament to meet at London, to consult of War: *Magnatibus regni (saith (b) Paris) ob hoc Londonium edicto Regio convocatis, &c.*

An. 1107. *Adunatis ad Curiam ejus ad Pascha, terræ Principibus, (c) the King deferr'd the filling up of the vacant Bishopricks, which he had intended to do at that time, till Whitsuntide.*

At Whitsuntide the Council (d) which had been prorogued to that time, was put off farther till the 1st. of August, on the account of the Archbishop's sickness.

On the (e) 1st. of August it met to consider the Matter of Investitures, and there the K. renounced all Pretentions of that kind. (f) *In Kalendis ergo Augusti, conventus Episcoporum, Abbatum, Procerum Regni,*

(a) Ap. Eadmerum P. 86. (b) P. 52 (c) Eadmer P. 90. (d) ibid. (e) Not pridie Cal. as de Diceto says. Hoveden P. 270. places it by mistake ad an. 1106. (f) p. 91.

Lundonia in Palatio Regis factus est. Et per tres continuos dies, absente Anselmo, inter Regem et Episcopos satis actum de Ecclesiarum Investituris.— Dehinc, præsentē Anselmo, astantē multitudinē annuit Rex & statuit, ut ab eo tempore in reliquum nunquam per dationem Baculi Pastoralis vel Annuli, quisquam Episcopatu vel Abbatia per Regem vel quamlibet laicam manum investiretur in Angliā; concedente quoq; Anselmo ut nullus in praelationem electus pro Hominiō, quod Regi faceret, consecratione suscepti honoris privaretur. Quibus ita dispositis, pene omnibus Ecclesiis Angliæ quæ suis erant Pastoribus diu viduatæ, per consiliū Anselmi ac Procerum, sine omni Virgæ Pastoralis aut Annuli Investiturâ Patres à Rege sunt instituti. Thus Eadmer in his History, and Florence of Worcester, and Hoveden. In the Life of Anselm, Eadmer says, that in that Council there were *adunati in Palatio Regis Lundonia cuncti Primates Angliæ.*

Malmsbury's (a) Words concerning that Council are, *Coactō apud Londoniam magno Episcoporum & Procerum, Abbatumq; Concilio, multa Ecclesiasticarum & secularium rerum ordinata negotia, decisa litigia.*

A MS. History of Croiland (b): *Tam Episcoporum & Abbatum totius Cleri Angliæ, quam Comitum, Baronum, Optimatum & Procerum totius Regni, celeberrimo concilio apud Londonias constituto.* The Register (c) of Battel Abby calls it *universale Concilium.*

In the same Council (d) *coram Rege, regniq; Episcopis atq; Principibus, Archbishop Anselm* required Gerard Archbishop of York to make Profession of obedience to the See of Canterbury:

There also it was decreed (e) that such Bishops

(a) F. 92. b. (b) Ap, Concil. Spelm. to 2. p. 28. (c) ibid. p. 27. (d) P. ibid. (e) P. 92.

as were to be consecrated should go to Canterbury to be consecrated there.

In ejusdem Concilii conventu, says Florence, the Abbot of Ramesey was restored by the Pope's command, and Arnulph Prior of Canterbury was chose Abbot of Peterborough.

M. Paris tells us (a) that Archbishop *Anselm* presided in this Convention ; which does not seem to be true, since, as we learn from *Eadmer*, he was absent for the 3 first days of the Debate. *Factus est* (saith Paris) *conventus Episcoporum & Abbatum pariter & Magnatum Londoniis in Palatio Regis, præsidente Anselmo, cui innuit Rex Henricus & statuit, &c.* A MS. Chronicle, (b) *Eodem an. (1107) factum est consilium magnum London in Palatio Regis præsidente Anselmo, cui, &c.* *Hemingford* (c) confounds this Parliament with the Synod called *an. 1102.* or as he places it, 1103. against *Priests Marriages*; and in the same places he confounds 1 or 2 other Councils together.

In a *Curia* held at *Christmas 1107.* the K. began to consult with his Bishops and great Men about erecting a new Bishoprick at *Ely.* Which was actually done in the year 1109. *His diebus sermo habitus est de Parochia Episcopi Lincolniensis, quæ in nimium tendebatur, eoque processit ut, quum ratio Christianitatis id utile fore suadebat, Regi & Archiepiscopo, cæterisque Principibus regni visum fuerit, de ipsa Parochia sumendum quo fieret alter Episcopatus, &c.* The Archbishop wrote to the Pope to have his Consent to it: And in his Epistle he intimates, that the King's *Curia*, in which this was determined, consisted not only of Bishops and Lords, but also of other inferiour Persons, Clergymen and others, who all,

(a) P. 53. (b) Lambeth 4to. 160. (c) G. 28.

says he, approved of it. *Quod cum consideraret Rex, & Episcopi, & Principes & alii rationabiles & religiosi viri regni Anglorum, ad utilitatem Ecclesiæ visum consilium est Episcopatum præfatum in duos dividere.* Thus (a) Eadmer. Who adds in another (b) place, that Rex & Principes novum Episcopatum dudum in Heli statuendum decreverant.

There is extant in the (c) *Monasticon* the Charter (as is pretended) by which that Bishoprick was constituted: In which it is said to be done by K. Hen. ex autoritate & consilio prædicti Papæ Paschalis, Et assensu simul & prece Roberti Lincolnensis Episcopi qui tunc Ecclesiæ prædictæ præsidebat, & totius Capituli sui cum ipso annuente Dompno Anselmo beatæ memoriæ Cant. Archiepiscopo, & Thomâ secundo venerabili Eboracensium Archiepiscopo, & universis Episcopis & Abbatibus totius Angliæ, sed & omnibus Ducibus, Comitibus, & Principibus regni mei, &c.—— Primum siquidem Londoniis apud Westm. in solemnitate Pentecostes de negotio isto in præsentia meâ coram felicis memoriæ Anselmo Archiepiscopo, & universis Episcopis & Abbatibus & Proceribus Regni tractatum est, & eorum omnium communis assensus est favorabiliter constitutus. Post mortem prædicti Pontificis Anselmi, ex autoritate Domini P. Paschalis, sicut jam supra dictum est, in Concilio apud castrum Norwingham habito in die translationis B. Etheldredæ Virginis, sed ejusdem feliciter per misericordiam Dei & terminatum est & definitum XVI. Kal. Novembris, faventibus & subscribentibus iis quorum annotata sunt hic tam signa quam nomina. Subscribed by Q. Maud, and the Emperess Maud, 2 Bishops, the Chancellor, then 9 Bishops more, and 8 Lay-Lords. But that Charter, tho' it be said to be published out of the original, appears to be spurious, not only from

(a) P. 95, 96. (b) p. 104. (c) Fo. I. p. 95.

the number of Subscribers and the Sign of the Cross put to the Names, but chiefly from the falseness of the Date, and the mentioning (a) *Dukes* among the Nobility at that time, not to mention other things. The Date runs thus, *Anno Incarn. Dom. MCVIII. Paschalis P. II. X. regni quoq; mei similiter X.* Whereas no part of the year MCVIII fell in with the King's 10th year.

In the 7 year of his Reign, saith (b) *Huntindon*, and after him (c) *Bromton* and others, having made a full Conquest of *Normandy*, he returned into *England*, and kept his *Curia* in Easter-time at *Windsor*, where his *Proceres* both of *England* and *Normandy* were present with fear and trembling. For when he was younger they despised him, but now he was grown greater than any of his Predecessors.

An. 1108. he made a Law that *Thieves* and *Robbers* should be hang'd, and another against *Coiners*, that their *Eyes* should be pull'd out, and their privy Members cut off. And some other things relating to the *Coin*, he enacted, as may be seen in (d) *Eadmer*, and *Florence*, and *Simeon Dunelm.*

The Injunctions of the Archbishop's Synod against the Marriage of the Clergy, being not at all, or very little observed; the K. this year at *Whitsuntide* held a Parliament or *Curia* in *London*, in which new Laws were made concerning the same Matter. Of which hereafter.

Anselm Archbishop of *Canterbury* having forbid the Bishops of *England* to consecrate *Thomas* Archbishop of *York*, unless he made Profession of obedience to the See of *Canterbury*, and dying April 21. 1109.

(a) No Duke after the Conquest till the Reign of E. III.
(b) Fol. 217. (c) Col. 1003. (d) P. 95.

the K. in his *Curia* which he held on the *Whitsunday* following, took that matter into consideration. In *subsequenti festivitate Pentecostes*, says Eadmer, Rex *Henricus Curiam suam Lundoniæ in magnâ Mundi gloriâ, & diviti apparatu celebravit. Qui transactis Coronæ suæ festivioribus diebus, cepit agere cum Episcopis & Regni Principibus, quid esset agendum de Consecratione Electi Ecclesiæ Eboracensis.* Eadmer adds, that the Bishops being threatned for refusing to consecrate him, they went aside to consider among themselves what they ought to do, *remoti à Multitudine.* At last it was determin'd by (a) the King, *Curiaeq; Regis consilio*, that the Archbishop of York should be obliged to make his Profession of Obedience.

In the same *Curia* were present Embassadors sent from the Emp. Hen. V. to demand his Daughter in Marriage, as *Huntindon* and *Paris* tell us. 'Twas on that Account, that he kept his *Curia* at that time with so much Splendor, which Eadmer takes notice of, and *Huntindon* and *Paris* say, that *nunquam tenuerat splendidicrem.* It appears from *Malmesbury*, as I have elsewhere noted, that for the generality, his *Curia* were not kept with any considerable Splendor, when compar'd with those of the Conqueror and *Will. Rufus*: at least, that in his later Years they were not remarkable.

The *Curia* which he held the *Christmas* following was also remarkably splendid. Where the Archbishop of York preparing himself to put the Crown on the King's Head, was repulsed by the Bishop of London, who as *Dean* of the See of Canterbury, in the Vacancy of the See, claim'd that Privilege. In *subsequenti Nativitate Domini Christi Regnum Angliæ Lundoniæ pro more convenit, & magna solemnitas habita est atq; sublimis, &c.* Eadmer (b).

(a) P. 104. (b) P. 105.

An. 1110. as (a) *Huntindon* witnesses, not 1109. as *Paris* (b) (who follows *Huntindon*, but mistakes his meaning) the King's Daughter was actually married to the Emp. *Henry V.* and for that the K. took 3 Shillings per Hide for all the Land in England. The *Waverly Annals* tell us, that there was a very great Dearth that Year, partly by reason of the great Subsidy which the K. took.

The same Year at *Whitsuntide* he kept his Curia at *New Windsor* which he had built, say (c) *Huntindon* and (d) *Bromton*, and there disinherited some of his Great Men.

An. 1111. the *Saxon Chronicle* observes, that the K. had not his Crown on in any one of the 3 great Festivals. And an. 1114. it says, that he held his Curia in *Christmas* at *Windsor*, and all that Year afterwards held no Curia at all; it means either at *Easter* or *Whitsuntide*. Which is also taken notice of in the *Annals of Waverly*.

An. 1114. the K. nominated new Abbots in Monasteries, which had been long without 'em, *consilio Episcoporum & Principum suorum.* (e) *Eadmer*.

The same Year, May 1. a Council was call'd at *Windsor* for the Election of a new Archbishop of *Canterbury*, in the room of *Anselm*, after the Archbishoprick had been void full 5 Years: And *Radulphus* Bishop of *Rocheſter* was chosen. *Diu ergo multumq; librato consilio* (says (f) *Malmesbury*) *Concilium Windlesoris coegit Rex, summam manum negotio impositurus. Eratq; mentis propositum, ut eligeretur Faricius Abbas Abendonienſis.*——— *Nihil tamen in Archiepiscopi duntaxat Electione voto indulgens suo, in commune arbitrium refudit electionem, &c.* *Eadmer* (g) *Epis-*

(a) Fol. 217. b. (b) P. 53. (c) Fol. 218. b. (d) Col. 1604. (e) P. 110. (f) Fol. 130. b. (g) P. 109. 111.

copos & Principes Angliæ in unum apud Windlesham fecit venire, eorum consilium in constituendo Pontifice Cant. volens habere Invitati etiam sunt Radulphus Roffensis Episcopus, & Prior ac nonnulli Fratres Cantuarienses, Curiam venire, ignorantes certitudinem causæ, propter quam invitabantur. The Monks of Canterbury in their Epistle to the Pope: Adunato Conventu totius Anglici Regni.——Huic Electioni affuerant Episcopi, Abbates, & Principes regni, & ingens populi multitudo.

Radulphus being made Archbishop, and the Pope pretending to establish a Legatine Power here in England, and writing to the K. about it, He commanded *omnes Episcopos, & Principes totius Regni, ad Curiam suam sub uno venire, viz. in his Palace at Westminster, Sept. 16.* and the Pope's Letter being read, *Rex, consilio cum Episcopis habito, quid super his, & quibusdam aliis, quæ animum suum plurimum offendeant, Papæ responderet, placuit in commune, ut suos Nuncios mitteret, per quos quæ vellet securius Papæ mandaret.* (a) Idem.

The same Year a Council was held at *Burne*, Sept. 15. in which *Arnulf* Abbot of *Peterborough* was made Bishop of *Rocheſter*. *Chron. Sax. Sub hoc tempus ixit Rex versus mare, & transfretare statuit; verum adversâ tempestate impeditus erat: Misit interim literas ad Abbatem de Burh Ernulfum —— cum eo pervenisset, coegit illum suscipere Episcopatum de Hrofceaster, & una cum Rege Archiepiscopi, & Episcopi, & tota Nobilitas in Anglorum terra —— Hoc factum est in oppido quod appellatur Burne 17 Cal. Octob.*

An. 1115. or 1116. the K. being about to pass over into Normandy, thought fit to declare his Son *William* his Heir, and to oblige the People of Eng-

land to swear Fealty to him ; and to that end, on March 20. by his Summons, they met together at Salisbury, and there did it. This is by some accounted the first *Parliament* that was ever called in England. In a MS. Volume of Sir Rob. Cotton's Library (*Titus A. 13.*) in a short Account of the Institution of *Parliamen's* I find these Words. *At this time, being about the 14th Year of the Reign of Hen. I. the K. call'd a Council of all the States of this Realm, both of the Prelates, Nobility, and Commons, to Salisbury, to consult for the good Government of the Commonwealth, &c. — Which Council taking the Name and Form of the French, is unto this Day called Parliament ; and this do the Historiographers note to be the first Parliament in England, and that the K. before this time was never wont to call any of his Commons or People to Council or Law-making, but all proceeded as ordered and commanded only from the K. without the Assent or Interest of any other of his Subjects : Nor can I see none other manner of Law or Statute made and published but only by the K. without any mention of any State or Commons until the 3d Year of E. I. or at least until the Statute of Marlborough in the Reign of H. III.* This, whoever was the Author, is utterly false. That the *Commonalty* were first summon'd to this Convention at Salisbury, was never said by any Historian before Polydore Virgil, whom our vulgar Historians follow. The learned Sir Hen. Spelman is as much mistaken on the other side : For he denies (a) that the *Commonalty* were even there present, and that any of the known Historians, either of that Age or any other, say they were. But to confute that Assertion, let us hear Will. of Malmesbury (b), who lived even at that time. *Ei vix dum*

(a) Glossar. v. *Parliamentum*. (b) P. 93.

12. *annorum esset, omnes liberi homines Angliæ, & Normanniæ, cuiuscunque ordinis & Dignitatis, cuiuscunque Domini fideles, manibus & sacramento se dedere coacti sunt.*

The Account of this Convention (a) in Eadmer is thus: *Post hæc 13. Kal. Apr. factus est Convventus Episcoporum, Abbatum, & Principum totius Regni apud Serberiam, cogente illos illuc sanctione Regis.— Igitur agnitâ Regis voluntate mox ad nutum ejus omnes Principes facti sunt Homines ipsius Willielmi, fide & sacramento confirmati. Radulfus autem Archiepiscopus Cant. & alii Episcopi atq; Abbates Regni Anglorum, fide & sacramento professi sunt, se, &c. Florence of Worcester, and out of him Simeon Dunelm. Conventio Optimum & Baronum totius Angliæ apud Sealesbiriæ 14. Kal. Apr. facta est. Bromton (b). Post hæc Parliamentum suum 13. Kal. Apr. apud Saresberiam convocavit, ubi jussu Regis, Comites & Barones cum Clero totius regni, sibi & Willielmo filio suo Homagium fecerunt, &c. Annales de Margan ad an. 1116. Filius Regis Henrici juratur ab omnibus hæres patris fieri. Heminsford in much the same Words with Bromton: An. D. 1116. Convocatis Comitibus & Baronibus cum Clero totius Regni Angliæ tenuit Rex Parliamentum suum apud Salesburiam 14. Kal. Apr. ubi jussu Henrici Regis fecerunt prædicti Magnates homagium filio suo Wilhelmo. Matthew of Westm. and a MS. (c) Chronicle; Anno gratiæ 1114 Rex Anglorum Henricus fecit omnes sue potestatis Magnates fidelitatem jurare Filio suo. Some mention (d) an ancient MS. History, in which it is expressly said, that the Commons were then summon'd.*

(a) P. 117. (b) Col. 10905. (c) Lambeth 4to. 160. (d) Ap. Spelman l. c.

Sir Hen. Spelman is agen mistaken, when he thinks there was no *consulting* in that Convention but that they only swore Fealty, and did Homage to the Prince, and then dispersed. For the Historians of the same Age assure us, that the Cause between Radulfus Archbishop of Cant. and Thurstan Archbishop Elect of York, who refus'd to make Profession of Obedience to the Archbishop of Cant. was there debated. *Eadmer: Habita quoq; est his diebus Causa de querela, quæ inter Archiepiscopum Cantuariorum & electum Pontificem Eboracensem, per integrum pene annum versata fuerat, &c.* By *his diebus*, he may seem to mean only about that time. But Florence is expres: *Habita est IBI causâ de querela, &c.* So Bromton also, and Hemingford. Hoveden mentions that only, without taking notice of their swearing Fealty there to the Prince (a) *Comites & Barones totius Angliæ apud Salesberiam 14. Cal. Apr. convenerunt: habita est ibi Causa de querela, &c.*

Sir Walter Raleigh in his Treatise of the Prerogative of Parliaments in England, is of Opinion, that the beginning of Parliaments was after the 17th Year of this King's Reign, because (as he says) in that Year, his Daughter being given in Marriage to the Emperor, he imposed a Tax on the Nation of 3 Shillings per Hyde, with the Assent only of his Privy-Council. This was not in the 17th Year of his Reign, but the in 10th (b) as is above-mention'd: But how does it appear that it was done with the Consent of his Privy-Council only? It was not a Privy, but a General Council which was sitting at

(a) F. 271. b. (b) According to the Annals of Waverly ad an. 1100. she was scarce 5 Years old when she was betrothed to the Emperor. So says a MS. Chron. of good Note in Lambeth Library 4to. 160. ad an. 1107.

that time. And if he did it without the Consent of any Council at all, yet that would not prove that there were no *Parliaments* before that time. For in the Matter of Taxes the Kings took upon ^{em} to act sometimes very arbitrarily.

That *England* in this 17th Year of this King's Reign, was *pro necessitate Regis geldis creberrimis & exactionibus variis compressa*, tho' not on the account of the Princesses Marriage, is observed by *Huntindon*: and the *Annals of Waverly* mention the same thing.

An. 1116. præsente Rege Henrico & Regina Robertog; Lincolnensi Episcopo cum multis aliis Episcopis die sanctorum Innocentium dedicata est magnifice Ecclesia S. Albani Anglorum Prothomartyris à venerabili viro G. Rothomagensi Archiepiscopo, sub Abbate ejusdem loci Ricardo. Rex autem & Regina & Archiepiscopus (cum) 7 Episcoporum, Comitum, Baronum & aliorum Nobilitum multitudine ibidem Natalicios dies cum omni hilaritate, & gaudio cum prædicto Abbate comitive celebrarunt. MS. Chron. Lambeth 4to. 160.

The same MS. Chronicle mentions the severe Taxes of that Year, as laid upon the Kingdom arbitrarily: *Ipsò anno (1116.) pro necessitate Regii status Anglia fuit variis exactionibus depressa & multiformiter bonis suis non sine petitione (if I read that Word right) spoliata.*

The same Year, viz. 1116. while the K. was in Normandy, a Legat being coming into England from the Pope, and the Kingdom being surprized at it as a Usurpation, the Bishops, Abbots, and Nobility met together at London, in the Presence of the Queen, to consider how to prevent it. *Quod Regno Angliæ, brevi innotuit. Admirati ergo Episcopi, Abbates, & Nobiles quiq; Lundoniæ adunati sunt, super his, & quibusdam aliis, præsente Regina, communi Consilio tractaturi.*

Etaturi. So (a) Eadmer. In Florence (b) it is said, that what was done there, was determined *communi consilio Reginæ & Nobilium quorumlibet.*

An 1121. the K. married a second Wife *consilio Radulphi Cantuariorum Pontificis & Principum Regni quos omnes in Epiphaniâ Domini sub uno Londoniæ congregavit.* (c) Eadmer, and the (d) Continuator of Florence.

The Bishops and Proceres Regni being met together at Dover to receive the new Queen, and accompany her to London, sate afterwards as a Council, and debated this Matter, Whether *Thurstan* Archbishop of York, who without making Profession of Obedience to the Archbishop of Canterbury, had got himself to be ordained by the Pope in the Council of Reims, should be permitted to return into England: And the Pope having denounc'd an *Anathema* against the K. in case he were not receiv'd, he was permitted *ex communi consilio*, to return into England, & Eboracum, Regiâ viâ, venire, says (e) Eadmer. Hoveden, (f) and (g) Simeon Dunelm tell us that the K. being in Normandy, deferr'd the consideration of that Matter, till he should return into England, and there call a Council to judge of it: *Donec redisset in Angliam, ubi congregato Concilio quid factu opus esset, maturius perquireret:*

Hac inter, de Reginæ maritacione, necnon in Regnum promotione actum est inter Regni sublimiores. Eadmer. By them it was resolv'd that it should be done at Windsor, and so accordingly it was on Candlemas-day, totius Angliæ adunato consilio; say (b) Hoveden, Hemmingford, and Simeon Dunelm.

(a) P. 118. (b) P. 657. (c) P. 136. (d) P. 659.
(e) Fol. 273. (f) Col. 242. (g) P. 136. (h) Fol. 273.

An. 1123. Radulfus Archbishop of Canterbury being dead, William Corbet was chosen for his Successor in a Council held at Gloucester at Candlemas. Cum apud Glawornam in Purificatione S. Mariæ Curiam suam Rex teneret, ex præcepto Regis initur à Majoribus Regni consilium de constituendum ad Ecclesiam Cant. Archiepiscopo, &c. Simeon Dunelm. The Saxon Chron. thus: Misit Rex suas literas per totam Anglorum terram, & jussit suos Episcopos, & suos Abbatess, & suos Thanos omnes ipsi obviam venire ad Procerum Concilium in Candelarum die Festo, ad Glawceaster; quod ab eis factum. Quum eo convenissent, jussit Rex illos eligere sibi Archiepiscopum ad Cantuarabyrig quemcumq; vellent pollicitus se illud confirmaturum. The Author adds, that the Bishops resolv'd not to choose a Religious but a Secular: whom the Prior and Monks of Canterbury, omnesq; alii Monachici Ordinis viri, oppos'd for 2 Days together. But Corbel, a Secular, was at last pitch'd upon, tho' he was rejected (if we will believe that Author, himself a Monk) not only by the Monks, but also by almost all the Earls and Thans there present. By omnes alii Monachici Ordinis, I understand the Abbots, not other inferiour Monks: For Gervasius (a) intimates, that no inferiour Monks, besides some of those of Canterbury, who were particularly concern'd were summon'd thither: Post Radulfi obitum mense iv. id est, 2 Non. Febr. factus est Conventus Episcoporum, Abbatum, ac Procerum ex præcepto Regis apud Glocestriam pro substituendo Pontifice in locum defuncti. Jussu quoq; Regis quidam ex Monachis Cant. venerunt illuc Patrem sibi electuri vel suscepturi.

(a) Aët. Pont. Cant. Col. 1662.

An. 1124. between St. Andrew's Day and Christmas, an extraordinary Court of Judicature was held at Hundleboge in Leicestershire, where 44 Thieves were hang'd. The Saxon Chron. calls it *Procerum Concilium*, and says, it was held by Ralph Basset, and the King's Thans, or Barons.

An. 1124. *generale Regis per fines totius Angliæ ad Purificationem sanctæ Dei Genitricis Mariæ divulgatur edictum ut quæcunq; Pastoribus viduatae fuissent Ecclesiæ, sibimet prospicientes, Regis in transmarinis partibus præsentiam adirent ad suscipiendos Prælatos per idoneos legatos.* The Chronicle (a) of Battel Abby.

An. 1126. at Christmas the K. held his Curia at Windsor with great Pomp, & *illuc totius Regni Nobilitatem suâ sanctione adunavit*, says the Continuator of Florence; who adds, that Thurstan Archbishop of York pretending there to be equal with the Archb. of Canterbury, and to set the Crown on the King's Head, *judicio omnium repulsus est, & ad eum Coronam Regni nihil pertinere una omnium sententia concorditer promulgavit.* And pretending also to have the Cross carried before him in the King's Chapel, he that carried it, was together with the Cross, turn'd out of the Chapel: *Judicio enim Episcoporum & quorumq; prudentium Ecclesiasticas Leges scientium probatum est ac roboratum, nulli Metropolitæ extra Diocesim suam Crucem licere ferre ante se.* This is mention'd also by Rad. de Diceto, Bromton, Mat. of Westm. and Paris ad an. 1127.

About the same time, or just after, at London (Prince William having been unfortunately drown'd some time before) the K. oblig'd the whole Nation, that is, all of any Account, to swear Fealty to his Daughter the Empress Maud, on condition he died without Issue Male. Malmesbury: (b) Anno

(a) Vol. 2. Concil. p. 31. (b) Fol. 99.

27. regni sui Rex Henricus Angliam venit mense Septembri, adducens secum filiam suam. Primo vero Natali convocato apud Londoniam magno Cleri & Optimatum numero, uxori suæ — Comitatum Salopesberię dedit. — In eodem Concilio omnes totius Anglię Optimates, Episcopos etiam & Abbates, sacramento adegit & obstrinxit ut, &c. — Furaverunt ergo cuncti, quicumq; in eodem Concilio alicujus videbantur esse momenti: Primo Willielmus Cant. Archiepiscopus, mox ceteri Episcopi, nec minus Abbates. Laicorum primus juravit David Rex Scotiæ, &c. The Continuator of Florence, says the K. and the Persons of Quality, to do this, remov'd from the Curia held at Windsor, just after the Christmas Holydays to London: Finitis diebus festivioribus, Rex ac tota quę confluxerat Dignitas Regni Lundoniam vadit, ibiq; ad jussum Regis Gulielmus Archiepiscopus & Ecclesię Romanę Legatus, ceteriq; Anglicię regionis Episcopi omnes, cum Principibus terrę ipsius, fide & sacramento sponponderunt filiæ Regis, &c.

The Saxon Chron. An. 1127. Tenuit Rex suam Curiam ad Christi festum in Windlesoure; ubi adfuit Scotorum Rex David, omnesq; viri summi, Clerici ac Laici, qui erant in Angliã. Ibi adegit ad iussurandum Archiepiscopos, & Episcopos, & Abbates, & Comites, & omnes Thanos qui interfuerunt, &c. That Chronicle calls the Empress Maud Æthelie, which was the Name of the then Queen. Knyghton (a) tells us that the Proceres Anglię, in another place, that omnes Magnates Regni Anglię swore Fealty to her. Bromton (b), who makes that Council to be held ad Rogationes next after that of Windsor, says it was done by omnes Nobiliores Comites, & Barones Anglię. Simeon Dunelm (c) tells us it was done on Neu-

(a) Col. 2383, 2384. (b) Col. 1016. (c) An. 1128.

years-day by the *Archiepiscopi, Episcopi, Abbates, Rexq; Scotorum David, Comites & Barones totius Angliæ*. Others, as *Neubrigensis* and *Hemingford*, in the Words of *Malmesbury*, that it was done *ab Episcopis, Comitibus, Baronibus, & cæteris omnibus qui alicujus videbantur esse momenti*. *Hemingford* tells us in (a) another place, that the Oath was taken by the *Præsules, Consules, & Principes*. *Matt. West. omnes Angliæ & Normanïæ Optimates illi adjurati sunt*.—*Omnes Angliæ & Normanïæ Primates & Optimates*, says (b) a MS. *Chronicle ad an. 1126*. *Wikes* tells us *ad an. 1127*. that the *Proceres totius Regni* were then call'd together, and that *Stephen*, afterwards King, not only took the Oath himself, *sed & aliis Regni Proceribus jurisjurandi formam præstruxit*.

Of the Parliament held that Year *ad Rogationes*, I shall say somewhat where I speak of the Synod held that Year.

The same Year the K. *consilio Baronum suorum* granted the Archbishop of *Canterbury* and his Successors the Custody and Constableness of the Castle of *Rocheſter*. *Florentii Contin.*

The same Year, or the next following, the K. made a Law, that all the *Milites of England* should wear their Hair of a certain length, who before were wont to wear it as long as Women. *Rex fecit omnes Milites Angliæ crines suos ad iustum modum abscindere, qui prius longitudine capillorum cum fæminis certabant*. *Matt. of Westm. ad an. 1127*.

An. 1130. a great Convention met at *Canterbury* at the Dedication of the Cathedral Church, in the (c) *Rogation Week. iv. Non. Maii*, where were present with the King, *David K. of Scotland*, and all the Bishops of *England*, says (d) *Gervase*.

(a) C. 56. (b) Lambeth 4to. 160. (c) Huntindon f. 220. (d) Colb. 1664.

The next Year Sept. 8. a great *Placitum* was held at *Northampton*, in which all the Great Men of *England* were present: and there it was debated, whether the King's Daughter the Empreſs *Maud*, who had been married to a ſecond Husband, the Earl of *Anjou*, and had been parted from him, ſhould be reſtored to him: *Fuit in Nativitate S. Mariæ Magnū Placitum apud Northampton: In quo congregatis omnibus Principibus Angliæ deliberatum eſt, quod filia ſua redderetur viro ſuo ſcil. Conſuli Andagavenſi eam requirenti. Miſſa autem poſt hæc filia Regis viro ſuo recepta eſt ſaſtu tantâ Viragine digno.* *Huntindon* and the *Waverly Annals*.

In the ſame Council of *Northampton* he granted the Archb. and Church of *Cant.* the Church of *S. Martin* in *Dover* to be made a Monastery of *Canons Regular*, and to be under their Patronage, by Charter, (a) in which are theſe Words: *Hanc itaq; donationem, & conſeſſionem meam factam, & ab omnibus ſubſcriptis collaudatam confirmo, & Regiâ authoritate, & à Deo mihi tradita poteſtate, illibate, inconcuſſeq; permanſura corrobore. Teſtibus omnibus illis ſubſcriptis, in quorum audientia hoc factum & confirmatum eſt.* After the Names of xi. Biſhops, the Chancellor and 16 Lords, & multorum aliorum, theſe Words: *Apud Northampton dat. & conſeſſ. ſed apud Weſtmonaſterium confirmata, communi celebrato Concilio Anno apud Incarn. D. 1113 peract. feliciter, &c.*

An. 1132. at *Chriſtmas* the K. kept his Court at *Dunſtable*, in *Eaſter* at *Wodeſtoc*. And after *Eaſter*, ſays *Huntindon*, there was a great *Placitum* at *London*, where they treated of ſeveral Matters, but chiefly about a Cauſe depending between the Biſhop of *S. David's* and the Biſhop of *Glamorgan*

(a) Ap. Monast. Tom. 2. p. 4,

(or *Landaffe*) touching the Bounds of their *Diocesses*.

The next Year, in the beginning of *Lent*, there was a *Convention* (*Conventus*) at *London* about the same Matter, and there was also considered a Cause depending between the Archbishop and the Bishop of *Lincoln*. *Idem*.

The *Easter* following, the K. was at *Oxford* in the *New Hall*, says the same Historian. And in the *Rogation-Week* there was another *Convention* about the same Matters at *Winchester*.

In the *Curia* held at *Whitsunday* that Year, the K. erected a new Bishoprick at *Karloil*. *Ibid*. In a (a) MS. Chronicle of good Note this is placed to the Year 1131.

The Charter (b) extant in his Name to the Bishop of *Exeter*, is sign'd by no less than the Queen, the 2 Archbishops, 13 Bishops, the Chancellor, 6 Abbots, 6 Earls, 16 other Great Men, and after all an &c. And the K. himself and the rest are pretended to Sign with the *Cross*. And the Queen, the Bishops and Abbots, together with the Chancellor, use the Word *Confirmo*, the rest only *Consigno*.

Another (c) to the *Priory of Norwich*, dated 3 Non. Sept. 1101. *Indict. 9. præsente Regina Matildâ, filiâ Regis Scotie, & viris illustribus totius Angliæ Ecclesiasticis & secularibus quorum nomina infra scripta sunt*. Sign'd (and with the Sign of the *Cross*) after the K. by the Queen, and Robert Duke of *Normandy* the King's Brother, the 2 Archbishops, 9 Bishops, *Johannes Tusculanus Episcopus, Legatus Papæ*, and *Tiberius* the Pope's Chamberlain, *apud Windsor*. Then

(a) Lambeth 4to. 160. (b) Monast. Tom. I. p. 230. (c) P. 411. follow

follow the Names of the *Primates & Principes*, viz. 9 Earls, and 9 others. Then *nomina Abbatum & Clericorum*, viz. 8 Abbots, the Chancellor, 6 Chaplains, the King's Chamberlain, another Chaplain, then 2 others, of whom one is *William de Warehwaſt* (a Clergyman mention'd by *Eadmer* and others, afterwards a Bishop.) The Spuriousness of this Charter appears, among other things, from its mentioning the Pope's Legat as a Subscriber, whereas it certainly appears from *Eadmer*, that there could be no such thing. For neither was there any such Legat of that Name here, as *Johannes Tusculanus*, neither would he have been permitted to act as a Legat if he had been here. The Legat, who came over hither in the beginning of *Hen. I.* was *Guido* Archbishop of *Vienna*, who was immediately sent away without acting: See *Eadmer Hist. Nov. lib. 3.*

The same Objection holds against the Charter of *Herbert* Bishop of *Norwich* (a), pretended to be granted at the same time and place, to the same Priory, *præceptis & concessionibus Willielmi Regis, & Henrici Regis fratris sui, & consilio Anselmi, Cant. Archiepiscopi, & omnium Episcoporum & Primatum totius Angliæ.* Subscribed, with the (b) Cross, by the K. and Queen, the 2 Archbishops, 8 Bishops, and then by the same Legat ; after him by 11 Lords, 7

(a) Ibid. 410. (b) There are other Charters of that King's time where the Cross is used ; but whether genuine or not, I leave to the Judgment of others. One is of *Hugh de la Val* to the Priory of *Pontfract*, per concessum Regis. Subscribed by the K. and *Rich. de Brus*, then by 2 Bishops, the Chancellor, 8 Laymen, an Abbot, another Layman, and last of all another Bishop, all with a Confirmo. *Monast. Tom. 1. p. 649.* Another is even a Norman one, pretended to be granted by the K. to the Abby of *Cerasy*, an. 1120. *in initio consilio Episcoporum meorum simul & Baronum. Tom. 2. p. 961.*

Abbots, the Chancellor, the King's Chamberlain, 2 Chaplains.

The *Laws* which are publish'd in the Name of K. Henry I. at the end of *Bede's Eccl. Hist.* seem to be none of 'em his, besides the 2 first Chapters, which contain his *Magna Charta*. It is a Work compil'd long after his time, but yet in his Name, by some antient *Lawyer*; pretended to be made while his first Queen, *Maud*, was living, and consequently before the 18th Year of his Reign.

Yet he seems to have made other *Laws* besides those which I have mention'd; and tho' in his *Great Charter* he commanded the *Laws* of King *Edward* to be observed, yet they seem to have been afterwards laid aside in his time. For (as I have already observed out of the *Continuator* of *Florence*, and *Bromton*) when in K. *Stephen's* time, the Empress *Maud*, Daughter to K. *Henry*, came into *England* to assert her Right to the Crown, the *Londoners* promis'd to stand by her, if she would permit the *Laws* of K. *Edward* to be observed, which were very good, and not those of her Father, which were grievous to 'em. Which the Empress refusing to promise, they endeavour'd to seize her, and forced her to fly out of the City.

Hoveden (a) tells us, that his Grandson K. *Henry* II. commanded his *Laws* to be inviolably observed. *Leges Henrici Regis avi sui præcepit per totum regnum suum inviolabiliter teneri.*

The meaning of some things in his *Great* or *Golden Charter*, is not rightly understood by the Lord Chief-Justice *Coke*, *Institut.* 4. p. 193. of which see Dr. *Brady's* Introduction p. 264, &c.

(a) F. 281. b.

Parliaments under K. Stephen.

HENRY I. dying Dec. 1. or 2. 1135. Stephen Earl of Bloys, his Sister's Son, succeeded him, and was Crown'd the 22d of the same Month, tho' he had before taken an Oath, together with the rest of the Nobility, &c. to be faithful to the Empress Maud, if her Father K. Henry should die without Issue Male. He was Crown'd, says Gervasius (a) x. Kal. Jan. convocatis Episcopis & Proceribus Angliæ: As Wikes has it, annuentibus Præsulibus & Proceribus Regni.

Immediately after Christmas he held a Parliament at Oxford, where he publish'd a Magna Charta, and confirm'd what he had promis'd at his Coronation. Subscribed by many Witnesses, and extant in (b) Malmesbury; who tells us, that *pene omnia ita perperam mutavit, quasi ad hoc tantum jurasset, ut prævaricatorem sacramenti se Regno toti ostenderet.* The Bishops swore Allegiance to him only conditionally, (c) *quandiu ille libertatem Ecclesiæ & vigorem disciplinæ conservaret.* An account of what he granted and swore to at his Coronation, and presently afterwards confirm'd at Oxford, may be seen also in (d) Huntindon. And he also takes notice, how little he kept his Oath. *Hæc principaliter Deo vorvit & alia, sed nihil horum tenuit.* As Bromton (e) says: *Hæc principaliter & alia plurima Deo vorvit: sed pauca tenuit.* He was sworn, says Knyghton (f), *coram*

(a) Col. 1664, (b) F. 101. b. (c) Ibid. (d) F. 221. b.
(e) Col. 1023. (f) Col. 2385.

Proceribus apud Oxoniam, quod, &c. He acknowledges in that his Great Charter, that he was chosen K. of England *assensu Cleri & Populi*. The *Witnesses* which are omitted by *Malmesbury*, may be seen in (a) *Richard the Prior of Hagustald*.

The *Easter* following he held a Parliament or *Curia* at *Westminster* in the greatest Splendor imaginable : than which, as *Huntindon* (b) says, *nunquam fuerat splendidior in Angliâ, multitudine, magnitudine, auro, argento, gemmis, vestibus, omnimoda dapfilitate*. And there, as we are told by *De Diceto*, he forc'd 'em again to swear *Fealty* to him ; and to keep 'em firm to his Interest, emptied the Treasuries of K. Henry amongst 'em.

To that Council were summon'd the *Dean* and *Canons* of *S. Paul's* ; the K. having a mind to have a new Bishop of *London*, which See was then void, chosen there. *Vocati sunt ad Concilium* (says (c) the Author last mention'd) *Willielmus Decanus Lundoniæ, simul & Canonici*. *Cum autem haberetur tractatus de consilio Lundoniensis Ecclesiæ tunc vacantis, nec in aliquem possent unanimiter convenire, recesserunt à Decano Canonicorum multi, citra conscientiam ejus Anselmum Abbatem in Episcopum eligentes*. *Canonici vero quos Decanus habebat secum in mensa diebus singulis appellaverunt, nec Regis incurrerunt offensam Canonici*. *Quidam alii quia quod fecerant tam Regi quam toti Concilio videbatur iniquum, Regis indignationem plurimam meruerunt, quorum aliqui bonis suis spoliati sunt*.

After this, but before *August*, according to (d) *Simeon Dunelm.* having receiv'd from P. *Innocent* a Bull, by which he was confirmed in his Kingdom, he call'd another Parliament or Council, and there confirm'd his former Charter. *Harum*

(a) Col. 314. (b) F. 222. (c) Col. 306. (d) Col. 259.

tenore literarum Rex instructus, generali convocato Concilio bonas & antiquas leges, & justas Consuetudines præcepit conservari, injustitias vero cassari. But I believe *Dunelmensis* is mistaken in the time. For, as he seems to speak not of his confirming, but his first granting his Great Charter, so it appears by the Charter it self, which is dated at Oxford, Regni I. that he had receiv'd the Pope's Confirmation before that was made. For there it is said, that he was *ab Innocentio sanctæ Sedis Romanæ Pontifice postmodum confirmatus.* He made, it seems, quick work of it. For by that it appears, that the Pope's Confirmation came to him within 5 or 6 Weeks after K. Henry's Death; the Parliament of Oxford being held just after Christmas.

An 1138. at Easter, 4 Id. April, he held a Council at Northampton, cui præsidebant (as the Continuator of Florence tells us) *Eboracensis* (a) *Archiepiscopus* *Turstanus*, *Episcopi*, *Abbates*, *Comites*, *Barones*, *Nobiles* quique per Angliam. Sir Henry Spelman (b) would have it read, *Barones ET Nobiles*, or without a Comma, *Barones nobiles.* But I know no reason for any alteration: It's better as it is. *William de Warewast* was there, *quorundam electione*, made Bishop of Exeter, and 2 new Abbots were nominated. *Knyghton* (c) calls this expressly a Parliament. And by him we are told, that the K. there seiz'd the Earl of Chester, who stood out against him. In the account which the Continuator gives of this Parliament, it may be observed that he uses the Word *Præsidebant*, for *aderant*. And the same I have observed in the Accounts of other Parliaments.

(a) The See of Cant. was then void. (b) Glossar. v. Parliamentum. (c) Col. 2387.

An. 1139. Jun. 24. as (a) Malmesbury tells us, not an. 1137. as the Saxon Chron. he held another Parliament (*conventum Magnatum*) at Oxford, where he seiz'd and imprison'd Roger the great Bishop of Salisbury, and Alexander Bishop of Lincoln, to force 'em to give up their Castles to him. The Continuator of Florence ad an. *Habito postmodum Concilio coram Primoribus Angliæ, statutum est ut omnia per Angliam oppida, castella, munitiones quæq; in quibus secularia solent exerceri negotia, Regis & Baronum suorum juri cedant. Ecclesiastici vero viri, viz. canes inquam divini, in salutem & in defensionem ovium suarum latrare non cessent, &c.*

An. 1141. the Empress Maud, having almost the whole Kingdom on her side, came to London, where the Citizens promis'd to be faithful to her (as I have elsewhere observed) if she would permit 'em to enjoy (b) K. Edward's Laws, instead of those of her Father K. Henry, which they accounted grievous. But she rejecting the Proposal, they endeavour'd to seize her, and forc'd her to flee to Oxford, where she ordinarily kept her Court.

An. 1150. in Lent the Earls and Barons of England swore Fealty and Allegiance to Eustachius the King's Son. Paris (c).

An. 1152. another Parliament was call'd about the same Matter, where the K. would have had his Son anointed and crown'd K. of England; but the Archbishop of Canterbury Theobald refused to do it, the Pope having forbid it. For which He and all the Bishops (for they sided with him) were shut up in a House together as Prisoners. Some Bishops were wrought upon by Threats to desert the Archbishop. But he himself escaped out of that

(a) F. 102. b. (b) Bromton Col. 1031. (c) P. 70.

Confinement, and fled beyond Sea. *Gervasius* (a) gives this the Name of a *General Council*, and to it, says he, were summon'd *the Bishops and the Proceres Angliæ*.

The Empress *Maud* dying in *May 1152*. her Son *Henry Duke of Normandy*, prosecuted the War against the K. who was forced at last (his own Son being now dead) to submit to these Terms, that he himself should enjoy the Crown during life, but after his Death *Duke Henry* should be King. This was done *an. 1152* in a *publick Convention* (b) at *Winchester*, where the K. own'd the Duke for his adopted Son, and the Duke him for his Father. *M. Paris* makes it to be done at *Walingford*, in *conventu Episcoporum & aliorum regni Optimatum*. So also *Matthew of Westm.*

According to the *Chronica Normanniæ*, it was done *7 Id. Novemb. 1152. in conventu Episcoporum & Comitum, & reliquorum Optimatum*. And there the K. and the Bishops, & cæteri potentes took an Oath, &c. The King's Decree concerning it, which is extant in (c) *Bromton*, and to which there are the Subscriptions of a great many Witnesses, was dated at *Westminster*.

An. 1154. in Epiphany Week, a Parliament was held at *Oxford*, where the K. and the Duke were both present. *ibiq; Comites & Barones Anglicani Regni*, by the King's Command, swore Fealty to the Duke, saving to the K. his Royal Dignity during life. *Gervas.*

After this, on *Mich. day*, a Parliament was held at *London cum Episcopis & Optimatibus terræ*, partly for the Affairs of the Kingdom, and partly

(a) Col. 1371. (b) *Gervas.* col. 1375. (c) P. 72. (c) Col. 1039.

for the choos'ing a new Archbishop for the See of York (a). And for this end the chief of the Church of York, with the Abbots and Priors of the Province, were summon'd thither. (a) Bromton : *Evocati igitur majores ejusdem Ecclesiæ cum Abbatibus & Prioribus subjectæ Provinciæ, &c.* So also (b) Hemingford.

In this troublesome Reign of K. Stephen, when the Kingdom was never without intestine Wars, till the very last Year of his Life, the Custom of holding those splendid *Curia* at the 3 great Festivals, which in the former Reign had begun to languish, was wholly laid aside ; as I have already observed.

In his Reign, the Pope's Canon-Law was first brought into England. Which was compiled into a Code or Body by Gratian, and publish'd by P. Eugenius III. an. 1151. The occasion of its being introduced here, was the great Contention between the Archbishop of Canterbury and the Bishop of Winchester, who was lately the Pope's Legat. This brought over Lawyers from Rome, together with their Law : *Vacarius* being the first Professor of it here, who read it publickly at Oxford. *Gervasius* (c) : *Erat in diebus illis Apostolicæ Sedis Legatus Henricus Wintoniensis Episcopus, qui erat frater Regis. Hic cum de jure Legati licet privilegium suum plusquam deceret extenderet in immensum, suumq; Archiepiscopum & Episcopos Angliæ ut sibi occurrerent quolibet evocaret, indignatus Theobaldus & Thomæ Clerici Londoniensis industriâ fretus, egit apud Celestinum Papam, qui Innocentio successit, ut amoto Henrico Theobaldus in Angliâ legatione fungeretur. Oriuntur hinc inde discordiæ, graves lites, & appellationes antea inauditæ. Tunc Les*

(a) Col. 1040, 1042. (b) P. 489. (c) Col. 1665.

ges & Causidici in Angliâ primo vocati sunt; quorum primus erat Magister Vacarius. Hic in Oxonefordiâ Legem docuit, & apud Romam Magister Gracianus & Alexander qui & Rodlandus in proximo Papa futurus Canones compilavit. K. Stephen is said to have commanded *Vacarius* to be silenc'd at Oxford: and our famous Fryar Bacon tells us, that *allatis Legibus Italiae in Angliam publico edicto prohibuit, ne ab aliquo retinerentur*. But of this Matter, I find, another (a) has already discours'd at large.

Parliaments under Hen. II.

AFTER K. Stephen's Death, which was Oct. 25. 1154. Henry II. came into England, à Principibus Angliæ vocatus & à populo desideratus, says (b) *Gervasius*.

He was Crown'd, says the same Author, Dec. 17. *astantibus & cooperantibus Archiepiscopis 2. Episcopis 14. Comitibus & Baronibus Anglicanis & transmarinis, & innumera multitudo plebis*. This I mention, because the Coronation-Conventions were in those Days the same with the Great Councils: Whether by the *innumera multitudo plebis* the Author meant only the gazing Crowd, or the *Freeholders* gather'd together on that occasion, I know not. But this I know, that *Plebs* is sometimes us'd for *populus* in general, and even for the *Commons* of England sitting in Parliament.

Soon after his coming to the Crown, K. Stephen having been very profuse of the Crown-Lands, he publish'd an *Edict*, commanding all Lands to be re-

(a) Vide Antiquit. Oxon. p. 51, 52, &c. (b) Col. 1376.

flored to the Crown, which belong'd to the Kings his Predecessors. (a) *Paris*, and (b) *Hemingford*.

After the *Easter* next following, *factus est conventus generalis Præfulum & Principum totius Angliæ apud Malinesfordiam, ubi adjurata est Anglia Regi & hæredibus suis, Willielmo scil. si plusquam Pater viveret, & Henrico puerulo, si Willielmo fataliter accidisset.* (c) *Gervaf.*

An. 1156. he commanded the Laws of his Grandfather to be inviolably kept throughout the whole Kingdom. (d) *Hoveden.*

An. 1157. a Parliament was held at Northampton, which, as Gervase (e) assures us, consisted, besides Bishops, the Principes regni, and some Abbots, of Persons of an inferiour Degree. Convocati sunt ad eum Præfules & Principes regni, Abbates, aliæq; inferioris ordinis personæ apud Northampton. In that Council a Cause was heard between the Archbishop and the Abbot of Canterbury, about his making Profession of Obedience to the Archbishop, which the Pope had commanded him to do. And the same he was ordered to do by this Council. And a Record was drawn up accordingly with this Teste : Facta est hæc Professio ap. Northamptoniam an. gratiæ 1157. Henrici R. II. an. 3 mense julio 16. Kal. Augusti, præsentibus Episcopis 8. Abbatibus 12. ipso quoq; Henrico, & quampluribus aliis tam de transmarinis quam de partibus Anglicanis.

An. 1162. the Bishops and Abbots of all England, by the King's command swore Fealty to Henry the King's Son, and Thomas Becket the Chancellor was the first that did Homage to him, salva fide

(a) Vit. Abb. S. Alb. p. 1019. (b) P. 491. (c) Col. 1378. (d) F. 281. b. (e) Col. 1318.

Regis quam diu viveret, & regno præesse vellent. (a) Rad' de Diceto.

The same Year (or in 1163.) in a Great Council held in *Lent 8. Id. Mart.* a great Controversie was decided between the Bishop of *Lincoln* and the Church of *St. Albans*. The Persons there present are said by the same Author to be the K. the 2 Archbishops, 9 Bishops, 3 Earls, 3 *Proceres*, 5 Abbots, and 2 Archdeacons, viz. *Geffry of Cant.* and *Richard of Poictau*. *M. Paris (b)* tells us that it was done in the presence of the K. the 2 Archbishops, 9 Bishops, *præsente etiam Roberto Comite Legecestrensi Justiciario Angliæ, cum Comitibus, Baronibus, Abbatibus, Archidiaconis, & innumera turbâ regni, apud Westm. feria 5 proxima ante passionem Domini.* In his History of the (c) *Abbots of St Albans*, he gives this Account of it: *Rex residens in Capella S. Katharinæ apud Westm. cum universitate tam Archiepiscoporum, quam Episcoporum, atq; Abbatum, & aliorum Optimatum regni, &c.* He there tells us, that the K. sat between the 2 Archbishops: and mentions also the 2 Archdeacons of *Cant.* and *Poictau*, as acting in that Council. Neither does he mention any more Archdeacons besides them two, in his particular enumeration (d) of the greater Persons there present. They were both of them great Men, and were in a little time made Bishops, the former of *Ely*, the latter of *Winchester*. And the Dignity of the Archdeacon of *Cant.* was in those Days very considerable, he being accounted the first Dignitary in *England* next to the Bishops and Abbots, as *Bromton (e)* tells us: *Nam post Episcopos & Abbates in Anglorum Ecclesiâ hic primus & dignior personatus habebatur.* And hence it is, that

(a) Col. 533. (b) P. 83. (c) P. 1026, 7, 8. (d) P. 1028. (e) P. 1056.

in the Subscriptions of Archbishop *Lanfranc's* Synod, held *an.* 1075. there is mention made of the *Archdeacon* of *Cant.* as a Member of that Synod, and no other *Archdeacon* but He,

An. 1158. he kept his *Christmas* at *Worcester*, where according to the old *Usage* both he and his *Queen* wore their *Crowns*; but after the Celebration of the Sacrament, they took their *Crowns* off from their Heads, and offer'd 'em upon the Altar, with a solemn Vow to God that they would never wear 'em more. But this I have had occasion to mention (a) already.

Pope *Alexander III.* in a Letter (b) which he wrote in the Year 1163. to the K. and the Archbishop of *Cant.* concerning the Election of a new Bishop of *London*, praises the City for its being the Seat-Royal of the King's of *England*, and because Parliaments used to meet there; which he calls a *Convention of the Barons and Proceres*: *Et ibi frequentes Baronum ac Procerum de toto regno soleant esse conventus.*

An. 1163. a great Difference arising between the K. and Archbishop *Becket* (who had been made Archbishop the Year before) concerning the Exemption of the Clergy from the Lay-Power, the Archbishops and Bishops were call'd together in a Council at (c) *Westminster*, where the K. demanded of 'em *an vellent suas avitas consuetudines observare*, meaning the Usages observed, in relation to the Clergy, in his Grandfather's time; as appears by (d) *Hoveden*, who places this Council to the Year 1164. *Eodem anno Rex, magno congregato Concilio, & omnibus Archiepiscopis, & Episcopis Angliæ in unum coram illo congregatis, petiit ab eis, ut ipsi pro amore & ser-*

(a) P. 139. (b) Ap. Rad. de Diceto, 334. (c) Gervai. Col. 1384. (d) f. 282.

vitio suo, & pro stabilitate Regni, reciperent Leges Henrici Avi sui, & eas fideliter custodirent? To which the Archbishop answering, in the name of all the rest, that they would do it, *salvo in omnibus ordine suo, & honore Dei, & sanctæ Ecclesiæ*; he would not admit of any *salvo*: And they would give no other Answer.

But the Archbishop afterwards waiting upon the K. at *Woodstock*, and promising to comply with his Desires, the next Year (according to the *Æra* of the Historians, to us the same Year) on *Hillary* Day a great Council was held at *Clarendon*, where several Constitutions were made relating to the *Clergy's* Subjection to the Secular Power.

Gervase of *Canterbury* (a) who liv'd at that time, tells us, that the K. commanded *Pontificum & Procerum cogi Concilium*. And there were gathered together, says he, *Præsules & Proceres Anglicani Regni*. *Matthew* of *Westm.* (b) *Apud Clarend. coram Rege & Magnatibus regni facta est recordatio regiarum libertatum & consuetudinum*. *Hoveden* (c) has given us a more particular Account of the Proceeding there. He tells us, that the *Clergy* and *People*, or *Laity*, of the *Kingdom* were there gathered together: *Congregato Clero, & Populo Regni*. He adds, that the Archbishop, who had before promis'd the K. to comply with his Desire, when he came to that Council refused at first to do it. But certain Bishops and other Great Men falling down upon their Knees to him, and with Tears beseeching him, *ut saltem propter honorem Regis veniret ad eum, & coram Populo diceret se Leges suas recepisse*; he at last complied, and came to the K. and *coram Clero & Populo dixit, se Leges illas, quas Rex avitas vocabat, suscepisse*. Et con-

(a) Col. 1335. (b) An. 1164. (c) F. 282. b.

cessit ut Episcopi Leges illas suscipere, & ut illas custodire promitterent. Then the K. commanded all the Earls and Barons of the Kingdom, *ut irent foras & recorderentur Legum Henrici Regis Avi sui, & eas in scripto redigerent.* Which being done, he commanded the Archbishops and Bishops to set their Seals to the Writing, which the other Bishops were ready to do, but the Archbishop *swore* he would never do it. When he could not be prevailed upon to do that, the K. was contented to have him take a Copy of it in his Hand, and so to declare his Assent to it, which he did. *Fecit Rex Leges illas in Chirographo poni, & medietatem illius tradidit Cantuariensi Archiepiscopo, quam ipse contra prohibitionem totius Clerici recepit de manu Regis, & conversus ad Clerum dixit. Sustinete fratres, per hoc scriptum scire poterimus malitiam Regis, & à quibus debeamus cavere nos.* Thus *Hoveden.* And from these Words it is evident, that he thought the Inferiour Clergy were there present. By *Matthew Paris* (a) we are told, that the Inferiour Clergy were not only there present, but *swore*, as well as the rest, to the observation of those Articles. The Account which *Paris* gives of that Convention, is this: *In præsentia Regis Henrici apud Clarendonam 8. Kal. Feb. præsidente Johanne de Oxonia* (who was afterwards Bishop of *Norwich*) *de mandato ipsius Regis; præsentibus etiam Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & Proceribus regni;* (where by *Proceres* must be understood the Chief of the *Commonalty*, since the Earls and Barons were at that time the whole *Nobility*) *facta est recognitio sive recordatio cujusdam partis consuetudinum & libertatum antecessorum suorum, Regis viz. Henrici, Avi sui, & aliorum; quæ*

(a) P. 85.

observari debebant in regno, & ab omnibus teneri; propter dissensiones & discordias sæpe emergentes inter Clerum & Justiciarios D. Regis, & Magnatum regni. At the recital of the Articles he adds: *Hanc recognitionem sive recordationem de consuetudinibus & libertatibus iniquis & Dignitatibus Deo detestabilibus, Archiepiscopi, Episcopi, Abbates, Priores, Clerus, cum Comitibus & Baronibus ac Proceribus cunctis, juraverunt, & firmiter in verbo veritatis promiserunt vivâ voce tenendas & observandas Domino Regi & hæredibus suis, bonâ fide & absq; malo ingenio in perpetuum.* Radulfus de Diceto (a) intimates that the Bishops only were concern'd in that Matter: *Ex mandato Regis concurrentibus Episcopis & Proceribus apud Clarendune 8. Kal. Febr. post immensos tractatus Rex tandem, ad hoc animos Prælatorum inflexit, ut Regni consuetudines Archiepiscoporum & Episcoporum auctoritate firmarentur & scriptis.* But its usual indeed with all sorts of Writers, and especially in short Abridgments, to mention only the chief Persons concerned. Will. Fitz-Stephens, who attended upon the Archbishop at that time, and wrote his Life, calls it *generale Concilium*—*Quo cum Præsules & Proceres convenissent.* Herbert de Hoscham (b) says the K. call'd together at Clarendune *Regnum Universum.* These are 2 of those 4, out of whose Lives of that Archbishop, the *Quadrilogus* was compiled; the other two being *Johannes Carnotensis*, and *Alan Abbot of Teukesbury.* Who are all mention'd by (c) Gervase. Fitz-Stephens, or William (d) of Canterbury (as he is there called) adds concerning the Proceedings of that Parliament: *Primus ante omnes Archipræsul in præactâ formâ se obligat, quod viz. regias consuetudines*

(a) Col. 536. (b) Ap. *Quadrilogum* l. i. c. 28. (c) Col. 1670. (d) Ap. *Quadril.* l. c.

foret observaturus bonâ fide, verbo illo suppresso, scil. salvo ordine suo, & quasi juratoriam adjiciens cautionem, hoc se facturum in verbo veritatis spondit, punctum puncto adjungens. Et id ipsum in eâ formâ sigillatim universi Pontifices juraverunt. Et incontinenti factâ obligatione in formâ hac per quosdam regni Proceres qui has nosse debuerant, facta est Regiarum consuetudinam cognitio, & sicut publice ita & expressim recensentur. Verum ut pleræq; jam fuissent expressæ, & multo plures (ut videbatur) forent exprimendæ, adhuc Archipræsul interlocutus est, dicens se nec esse de antiquioribus regni, ut pristinas regni consuetudines sciret, nec in Archipræsulatu diu fuisse, verum & dicebat se nescire de his. Et præterea quia inclinata esset jam dies tantum negotium in crastinum differendum. Placuit sermo, & in sua se receperunt hospitia, in crastinum revertentes in id ipsum. Et quæ intermissæ fuerant consuetudines Regiæ recognitæ sunt & expressæ, & in scriptis in Chyrogaphi modum confectis redactæ, & Regiarum Consuetudinum nomine recensitæ. He adds: *Quarum tamen multæ (ut perhibebatur) nequaquam Regiæ, sed odio Archipræsulis ad ancillandum Ecclesiam, evomitum emulationis & invidiæ virus exprimebant, ipso etiam Rege ignorante.* The next day, he tells us, they met together agen, and there the *Articles* were assented to by the Archbishop and Bishops: And 3 Copies of 'em were drawn up (this is also mention'd by (a) Gervase) of which one was put into the Hands of the Archbishop of Canterbury, another was delivered to the Archbishop of York (to be kept in their Archives) and the 3d was repositied in the *King's Treasury*.

To clear this Point, Who were present in that Parliament, and by whom those *Articles* were recognized? I shall subjoin the Preface of the *Article*, themselves, according to the Copy which is extant

(a) Col. 1385.

in the beginning of the 5th Book of *Quadrilogus*. In *M. Paris* (a) and (b) *Gervase*, the Articles only are extant without the Preface. The Title this : *Rescriptum illarum Consuetudinum quas Avitas vocant quomodo, quando, & coram quibus facta est recognitio Regalium Consuetudinum. Anno ab Incarn. D. 1164. Papatus Alexandri an. 4. illustrissimi Regis Anglorum Henrici II. an. 10. In præsentia ejusdem Regis facta recordatio & recognitio cujusdam partis Consuetudinum & libertatum & dignitatum antecessorum suorum, viz Regis Henrici Avisui & aliorum, quæ observari & teneri debent in regno. Et propter dissensiones & discordias quæ emerferant inter Clerum & Justitias D. Regis & Barones Regni de Consuetudinibus & Dignitatibus : Facta est ista recognitio coram Archiepiscopis, & Episcopis, & Clero, & Comitibus, & Baronibus, & Proceribus regni & eisdem Consuetudines recognitas per Archiepiscopos, & Episcopos, & Comites, & Barones, & per Nobiliores, & antiquiores regni Thomas Cant. Archiep. & Rogerus Ebor. Archiep. (after them are reckon'd up by name 12 Bishops) concesserunt, & in verbo veritatis vivâ voce firmiter promiserunt tenendas & observandas Domino Regi & Hæredibus suis, bonâ fide & absq; malo ingenio, præsentibus istis, Roberto Comite Lockcesteriæ (Leices.) (after him are the Names of 9 other Earls and 28 Lords) et multis aliis Proceribus & Nobilibus Regni, tam Clericis quam Laicis. Consuetudinum vero & Dignitatum Regni recognitarum, quædam pars præsentiscripto continetur. Cujus partis Capitula sunt hæc, &c.*

In one of these *Constitutions* (as I have elsewhere shewn) it is declared, that all *Archbishops* and *Bishops*, & *universæ personæ regni qui de Rege tenent in Capite*, hold their Lands of the King by *Barony*, and are consequently obliged to serve the K. as other

Barons, and to attend his Courts (or Parliaments) in all Cases, excepting only where a Man's Life is at stake. By *universæ personæ*, &c. Mr. Selden (a) understands Ecclesiastical Persons only, all Abbots, Conventual Priors, and the like, as if the Words had been, *universi in dignitatibus Ecclesiasticis positi qui de Rege tenent*, &c. *Persona* being used in the Laws of the Church for any Dignitary.

I had almost forgot that in a MS. Volume of the Cottonian Library (*Titus A. 13.*) where are the Articles of Clarendon with this Title; *Consuetudines Angliæ in rebus Ecclesiasticis quæ proponebantur Thomæ Becket*, &c. it is said (but in no very ancient Hand) that the Recognition of 'em was there made before the Archbishops, Bishops, Clergy, Earls, Barons, and Proctors of the Kingdom, by which can be meant no other than the Procuratores, or Representatives of the Commons: *An. 1164.* — *facta est ista recognitio coram Archiepiscopis, & Episcopis, & Clero, & Comitibus, & Baronibus, & Proctoribus Regni, & eadem recognita per Archiepiscopos, & Episcopos, & Comites, & Barones, & per Nobiliores, & Antiquiores Regni.* The Word *Proctoribus* for *Procuratoribus*, will, I fear be thought a little too modern.

Matthew of Westminster asserts, that Archbishop Becket never gave his Assent at all to those Articles of Clarendon. So also 2 MS. Chronicles in Lambeth (b) Library. *An. D. 1164. apud Clarendon facta est recordatio regiarum libertatum & consuetudinum coram Rege & Magnatibus regni. Cui Thomas Cant. Archiepiscopus assensum non præbuit.* The same is intimated in another (c) MS. Chronicle, which says no more than this concerning that Affair: *Rex H. composuit Leges iniquas, cui restitit sanctus Thomas, & per Re-*

(a) L. c. (b) 4to. 144. & 160. (c) Ibid. 8vo. 58.

gem exulatus est. But 'tis certain he made a shew as if he assented, and promis'd to acquiesce. But he quickly repented of what he had done; imposed a *Penance* upon himself for it; and got himself absolved from his Oath or Promise by the Pope.

This occasion'd another Parliament which was held at *Portsmouth* the same Year, on *Thursday Octob. 12.* where the Archbishop was accused of certain Crimes, Perjury, &c. and all the Bishops sided with the K. against him, so that he was forced to flee from thence beyond-Sea. The *Quadrilogus* tells us, that *ex edicto Regio, regni Pontifices universi & Proceres districtissime convocantur*; and in the first Day of the Parliament all the Archbishop's Moveables were confiscated *omnium & Procerum, & etiam Pontificum judicio.* This was for his not coming to the King's Court when cited thither upon a Complaint of one, who thought himself injured by him in his Court. The 2d Day he was accus'd of having 500 *l.* of the King's Money in his Hands; and 5 Persons, who voluntarily offer'd themselves to be his Sureties, were bound for him. The 3d, another greater Debt was laid to his Charge. On the 4th Day, being *Sunday*, there was nothing done. On *Monday* he was summon'd to appear, but was then sick. The next Day, which was the last, he came into the Court; and at the entrance into the King's Chamber, where he was to expect the K. he took the Cross from the Bearer, and carried it into the Chamber with his own Hands. Which was highly resented by the K. because he seem'd to come in as arm'd with it. *Vocatis igitur præconis voce Pontificibus & Proceribus universis,* the K. laid that to his Charge as a great Crime; while the Archbishop sat in another Room. *Deus bone, quam multi Clericorum & Militum qui aderant veras &*

lucu-

luculentas de contemptu mundi proferebant sententias, cum solus ibi Crucem tenens sederet Archiepiscopus, & omnes Suffraganei Episcopi ejus & Comites ad Regem evocati essent & elongati ab eo.—— Pontifices vero de licentia Regis separati à Proceribus per se seorsum inierunt consilium. At last they agreed to accuse the Archbishop to the Pope of Perjury: and engaged themselves before the K. to do all that lay in their power to get him Deposed, on condition that he would be pleas'd to excuse them from passing Judgment on him. This the K. assented to. So they went from the K. to the Archbishop, and there told him, that they look'd upon themselves not oblig'd to obey him any longer as their Archbishop, because he was *perjur'd* in breaking his Faith with the King: and as a *perjur'd* Person they appeal'd to the Pope against him. And this they did, because they thought it unlawful for them to Judge their own Metropolitan. But the K. and his Lay-Lords began immediately to pass Sentence of Imprisonment upon him; which he † avoided by appealing to the Pope. *Rege cum Principibus, Pontificibus subtractis, sedente pro tribunali, certissime putabatur, mox captio aut aliquid deterius Archipræsuli imminere.* Ex tunc siquidem Princeps & quotquot regni majores aderant, aperuerunt Ora sua sicut leo rapiens & rugiens, & perjurum & proditorem Archiepiscopum judicarunt. Tandem à Rege processerunt Comites & Barones, & plurima turba ad Archipræsulem, quorum primus Robertus Comes Leicestriæ (he was at that time Chief-Justice of England) ait. Mandat tibi Rex ut venias redditurus rationem super objectis sicut pridie promisisti te facturum, alioqui audi judicium tuum, &c.

† De Dicerò, de Archiep. Cant. p. 689. makes him to be committed to close custody by the Sentence of the Easons: which is not true.

I have given this particular account, to shew what were the Proceedings of our Parliaments in those Days. In *William Fitz-Stephen's* Life (a) of that Archbishop (and he was there present with him) it is said, that his Goods were adjudged to be confiscated the 2d Day of the Parliament; and the manner of doing it he thus describes. *Secunda dies* (says he) *consulentibus Episcopis, Comitibus, & Baronibus, Angliæ omnibus, Normanniæ pluribus, — Archiepiscopus læsæ Majestatis Coronæ Regiæ arguitur, quia scil. à Rege citatus pro causâ Johannis* (see *Hoveden* (b), and (c) *De Diceto*) *neq; venerat, neq; idonee se excussasset. Archiepiscopi depulsio nullum locum habuit. Allegata tamen Johannis supradicti injuria, & jurisdictione hujus causa propria, & Curia suæ integritate, Rex exigit judicium.* Then a Controversie between the Bishops and the Lords, whether a Bishop or a Lord should pronounce the Sentence (d): Each Party putting it upon the other. *Sed quid? Rex, hac audita de pronuntiando controversiâ motus est. Et controversari super hoc desitum est. Dominus Wintoniensis impositus dicere tandem & invitus pronunciavit. Archiepiscopus autem, quia sententiæ vel recordationi Curia Regis Angliæ non licet contradicere sustinuit, consilio Episcoporum, ad acta, ad mitigandum & honorandum Regem, solenni & manuum ipsius missione, quasi concessionis judicii, ut moris est ibi, & omnibus Episcopis datis vadibus præter Gilbertum illum Londoniensem (the Archbishop's particular Enemy) qui rogatus pro eo spondere noluit, quæ ejus singularitas notam fecit.*

Another ancient Writer (e) of the Life of that Archbishop, says of this Council of Northampton, that all who held in Capite of the K. were summon'd

(a) Ap. Seld. Tit. Hon. p. 705. (b) F. 283. (c) Col. 537. (d) Vide supra p. 127. (e) Cit. ap. Seld. l. c.

to it. *Solenne statuens (Rex) celebrare Concilium omnes qui de Rege tenebant in Capite, mandari fecit.*

The Account which our general Historians have given of this Parliament of Northampton, is thus: *Hoveden (a)* calls it *Magnum Concilium*, and says, that the *Barones Curiae Regis judicaverunt eum esse in misericordia Regis. Agen*, that the *Barones judicaverunt eum capi dignum, & in carcerem mitti*. There came together, says *Radulfus de Diceto (b)*, *Episcopi, Comites, Barones totius regni. Bromton (c)* calls it expressly a Parliament. *Gervase (d)* says, the K. commanded *Præsules & Proceres regni apud Northamptoniam una cum ipso Archiepiscopo convenire*. He adds, that his Goods were confiscated *curiali judicio & Episcoporum consensu*. Concerning the Proceedings of the last Day, he says, *Subtraxerunt se itaq; Episcopi ex adverso sedentes diutius in summo silentio. Rex autem interius cum Principibus sedens pro tribunali, Euntes, ait, discernite quid perjurus & contumax proditor debeat sustinere. Itur. Judicatur. Et à quo vel qualiter pronunciandum sit judicium informatur. Procefferunt tandem à Rege Comites & Barones cum turbâ multâ, &c.*

M. Paris tells us, that *(e)* *sederunt Principes apud Northamptonam*: and that his Moveables were confiscated by the *(f)* Bishops and Barons: And *(g)* makes the King's Embassadors tell the Pope, that *ex præcepto Regis, Archiepiscopi, Episcopi, & cæteri Ecclesiarum Prælati convocantur: ut quanto generalior esset Concilii celebratio, tanto manifestior fieret fraudis & malitiæ denudatio*. And the same Words we find in *(b)* *Radulfus de Diceto*, and in *(i)* *Hoveden*, who for *cæteri Ecclesiarum Prælati*, has, *cæteri Cle*

(a) F. 283. (b) Col. 537. (c) Col. 1059. (d) Col. 1389. (e) P. 97. (f) P. 87. (g) P. 86. (h) Col. 538. (i) F. 295.

ricorum Prælati. *Hoveden* makes this Parliament to be held *An.* 1165.

A MS. Chronicle (*a*) calls it expressly a Parliament, and says, that the Archbishop was there banish'd. Another MS. Chronicle (*b*) confounds the Parliament of *Clarendon* with this of *Northampton*; and what was done in that relates as done in this: *Anno 1164 Rex H. convocato Concilio apud Northamptonam in Festivitate S. Martini, Consuetudines Regias tam Archiepiscopi quam Suffraganeorum subscripto roborari pertinaciter exegit, negavit Archiepiscopus constanter, manifestam in eis assrens libertatis Ecclesiæ subversionem, &c.*

The Archbishop being fled beyond-Sea to the Pope, *an.* 1166. excommunicated publicly in a Pulpit (*c*) with lighted Candles, all the Observers and Maintainers of the Constitutions of *Clarendon*.

About the same time the K. who was then in *Normandy*, sent into *England* a severe Edict against all that any ways favour'd him, as particularly, that whosoever should receive the Pope's *Interdict*, not only himself, but all his Kindred should be immediately driven out of the Land. An account of this Decree we have in *Paris* (*d*), *Gervase* (*e*), *Quadri-logus* (*f*). In the last of which it has this remarkable Title: *Hæ sunt Constitutiones quas constituit Rex Henricus in Normanniâ, & mandavit Justiciis suis Rich. de Lucy, & duobus Archidiaconis, G. & R. & omnibus Principibus & Populis Angliæ jurandas & servandas. Latores earum fuerunt Guimerus Presbyter, & Galterus de Grimesby.*

(*a*) Lambeth Fol. 169. (*b*) Ibid. 152. l. 192. (*c*) Paris p. 88. (*d*) P. 86, (*e*) Col. 1409. (*f*) L. 5.

An. 1168. he wrote to P. Alexander, consilio Baronum & Clerici, to let him know, that if he and his Cardinals supported the Archbishop against him, neq; ego, neq; Barones mei, neq; Clerus meus, aliquam eis ulterius servabimus obedientiam. So he himself says in a Letter to the Archbishop of Colen (a).

Convocati sunt, says Gervase (b) speaking of these Matters, apud Lundoniam, Præsules & Prælati, & Procures, ut contra mandata Archiepiscopi, & Papæ Alexandri omnes appellarent. He adds: Sed & Monachi Cantuarienses ad idem sunt evocati. From whence the learned Author of *The Rights of Convocations* (c) concludes, that the Monks of other places were summon'd thither too. But Gervase, says he, mentions only the Monks of Canterbury, because he himself was one of their Number. In this I can by no means agree with him. For there was a particular Reason why the Monks of Canterbury should be summon'd, tho' others were not; viz. Because the Proceeding was against the Archbishop of that Church, with whom they were particularly, and more than others, concerned.

An. 1170. at Easter he held his Curia at Windsor. Cui festo interfuerunt Willielmus Rex Scotiæ & David frater ejus, & fere omnes regni Angliæ Episcopi & Magnates. (d) Bromton.

From thence he went to London, in order to have his Son Henry Crown'd King, and there held a (e) Great Council, de coronatione filii, & regni sui statutis, in which he sent out his Summons to the Archbishop of York and the rest of the Bishops to meet at London on Bernaby Day.

(a) Paris p. 90. (b) Col. 1571. (c) P. 299. (d) Col. 1060. (e) Ibid.

And there on June 15. his Son was Crown'd by the Archbishop of York (a), *astantibus fere omnibus Comitibus, Baronibus, & Militibus regni.* The next Day he made the King of Scotland and his Brother, *ac omnes Comites, Barones, liberos regni sui tenentes,* to do Homage and swear Fealty to himself and his Son. Thus Bromton. Hoveden's (b) Words are these: *In festo S. Bernabæ Rex magnum celebravit Concilium Londoniis, cum Principibus & Magnatibus terræ suæ, de coronatione Henrici filii, & Dominicâ sequenti, quæ evenit 17. Kal. Julii. Clero & Populo consentientibus & assentientibus fecit ipse prædictum Henricum filium suum coronari.*——— *Et in crastino coronationis illius fecit Rex Pater Willielmum Regem Scottorum & David fratrem suum, & Comites & Barones regni devenire homines novi Regis, &c.* Gervase (c) tells us, that there met together at that time by the King's Command, *totius Angliæ Episcopi, Abbates, Comites, Barones, Vicecomites, Præpositi, Aldermanni cum fidejussoribus suis, timentes valde omnes. Quisq; juxta conscientiam suam metuebat, nesciebant enim quid Rex statuere decrevisset.* He adds, that the Comites and Barones swore Fealty to the young King, *& sic timore culparum deposito omnes ad propria redierunt.* They were summon'd by certain great Persons, who were sent into the several Counties with Articles of Inquiry (d) concerning the Faults of Sheriffs, &c. and all Persons concern'd were oblig'd to have Sureties or Fidejussors for their appearance Above. *Rex convocatis Optimatibus suis instituit Abbates, & Clericos, Comites, & Milites, qui circumirent terram, &c.* By Præpositi are meant the Overseers of the King's Demeasns, by Aldermen, Reeves.

(a) Col. 1061. (b) F. 296. b. (c) Col. 1412. (d) Vide Brady Introduc. p. 237, &c.

An. 1172. the Laws of England were impos'd upon the People of Ireland, in a Parliament held there by the King in Person. *Rex pater antequam ab Hibernia rediret, apud Liffemore Concilium congregavit, ubi Leges Angliæ ab omnibus sunt gratanter receptæ, & juratoriâ cautione præstitâ, confirmatæ.* (a) Paris.

An. 1175. on the Festival of St. Peter and St. Paul, a Great Council was held at Gloucester by the 2 Kings, the Father and the Son, where the Princes of Wales were present, *ubi Rex hominibus suis Wallicis, Francis, & Anglis præcepit, quod si aliquis Wallensium contra aliquem illorum guerram in terrâ Regis moveret, omnes unanimiter constanti animo cum eo contra Wallenses tenerent. Et ad hæc observanda fecit D. Rex Comitem Gloucestræ, & alios Magnates illius patriæ super sancta Evangelia jurare.* (b) Bromton.

In Midsummer Week a Synod was held at Woodstock; and from thence the 2 King's went to Nottingham, where a great many Barons, Knights, Clergymen, and Countrymen were impleaded and fined for transgressing the Law's of the King's Forests. (c) Idem.

From thence on St. Laurence Day they came to York, where they were met by William K. of Scotland, who brought with him *omnes Episcopos, Comites, & Barones, & Milites, & francos tenentes terræ suæ*, to do Homage to the K. and to swear Fealty to him and his Heirs. Which accordingly was done in St. Peter's Church there, as is related at large by the same (d) Historian. Hoveden (e) tells us the same, that an. 1175. at York the King of Scotland, with the Bishops, Earls, Barons, and Knights of that Kingdom, swore Fealty to the K. of England. This

(a) P. 105. (b) Col. 1100. (c) Col. 1103. (d) Col. 1103, &c. (e) f. 312.

he did, says *Radulfus de Diceto* (a), pursuant to the Advice of the Great Council of that Kingdom: *Episcoporum, Abbatum, Comitum, & Baronum regni sui communiter utens consilio.*

Eodem anno Henricus Rex pater magnum congregavit Concilium apud Windeshores in Octabis festi S. Michaelis: presentibus Rege filio, & Richardo Cant. Archiepiscopo, & Episcopis Angliæ; & coram Laurentio Dublinensi Archiepiscopo, presentibus etiam Comitibus & Baronibus Angliæ. In which a Peace was agreed upon between the K. of England, and the K. of Connacht in Ireland. (b) *Hoveden*, (c) *Bromton*. In the same Council, says *Bromton*, the K. gave the Bishoprick of *Waterford* to one *Augustin* an Irishman; which was the first Irish Bishop that was ever nominated by the K. of England. *Benedict* in his MS. History: *Rex Angliæ congregatis—Archiepiscopo Cant. & Episcopis Angliæ, & Comitibus, & Baronibus terræ suæ coram Henrico filio suo & coram Laurentio Archiepiscopo Dublinensi, &c.*

An. 1176. on St. Paul's Day, or the next Day after, a Parliament was held at *Portsmouth*, in which the whole Kindom being divided into 6 Parts, 3 Itinerant Judges were constituted for each Part. *Radulfus de Diceto* (d): *Rex juxta consilium filii sui Regis coram Episcopis, Comitibus, Baronibus, Militibus, & aliis Hominitibus suis in hoc consentientibus, constituit Justiciarios in 6 partibus regni sui, in unaquaq; tres, qui juraverunt, quod suam cuiq; justitiam conservabunt. Hoc autem factum est apud Portsmouth 7. Kal. Febr.* In this Parliament were present, and voted, as appears from these Words, not only the Nobility, but all that held all of the King, Knights, and other inferiour Persons.

(a) Col. 584. (b) F. 312. b. (c) Col. 1106. (d) Col. 588. That

That besides the *Earls* and *Barons*, the *Knights*, and other Inferiour *Tenants*, were present, appears also from the Testimony of *Benedict* above-mentioned, who was *Abbot* of *Peterborough*, in his MS. (a) History : *An. 1176. circa festum Conversionis S. Pauli, venit D. Rex usque Northampton, & magnum ibi celebravit Concilium de Statutis regni sui, coram Episcopis, & Comitibus, & Baronibus terræ suæ ; & coram eis per consilium Regis Henrici Filii sui & per consilium Comitum, & Baronum, & Militum, & Hominum suorum, hanc subscriptam assisam fecit.* From this Authority some have concluded, that there were present in that Parliament 2 sorts of *Earls* and *Barons*, one sort belonging to the *Father*, the other to the young King ; and that the *Knights* and other Military Men or *Tenants* Royal here mention'd belong'd to the young K. only. This was the Opinion of the learned *Dr. Brady*, who, to explain these Words, tells us (b), that the K. having exalted his Son to the Throne, to make him look more like a King, assign'd some *Earls* and *Barons*, and other Military Men, who attorn'd Tenents to him, or some new *Earls* and *Barons* were created, as immediate Dependants on him, and the *Knights* and other Military Tenents followed, and held on the Lands, Mannors, and Honours that were assign'd to maintain and support his Court and Kingship, and the King's *Comites* and *Barones terræ suæ*, were the *Earls* and *Barons* of his Kingdom, that held immediately of him, or were his immediate *Tenents in Capite*. Or they might be call'd (says he) his *Earls* and *Barons, Knights* and *Men*, because they had done Homage and sworn

(a) Cotton, Julius A. xi. 4. & Vitellius E. XVII. 3. (b) Introduction. p. 204.

Allegiance to him. Others have from hence endeavour'd to confirm that Opinion, That there were 2 sorts of *Barons*, &c. viz. *Regis* and *Regni*.

But in my Opinion there is no need of all this. I take the last Words to be nothing else but a repetition of the former; and the *Monk* having in the first place not reckon'd up all, he takes care to mend the Matter in the 2d place. In a word, *suorum* has relation to the K. as well as *suæ* and *sui*. And when the Author says, *& coram eis per consilium Regis Henrici filii sui & per consilium Comitum*, &c. his meaning is, that it was done, not only in the presence of those that were there gathered together, but also by their Advice. The Monkish Historians are not so exact and accurate in expressing themselves, as to deserve to have any new Notions raised from such-like Expressions. The Author indeed liv'd at that time, and he wrote the History of his own time from the Year 1170. to the end of *Rich. II.* and I take him to be the same with that *Benedict* which is mention'd by *Gervase (a)* to have writ of Archbishop *Becket's* Miracles. But *Radulfus de Diceto* lived also at that time, and he mentions nothing of that kind. So also *Hoveden*, who was one of K. *Henry's* Clerks, whose Words concerning that Council are no other than these:

In (b) *festo Conversionis S. Pauli venit D. Rex pater usq; Rottingam* (so he says, either by his own, or the Transcriber's Mistake, for *Northampton*) *& ibi celebravit magnum Concilium, de Statutis regni sui, & coram Rege filio suo, & coram Archiepiscopis, Episcopis, Comitibus, Baronibus regni sui, communi omnium consilio divisit regnum suum in 6 partes, &c.* The several Divisions, and the Names of all

(a) Col. 1670. (b) F. 313.

the first Judges, may be seen in the same Historian.

Matthew of Westm. an. 1176. speaking of this constitution of the Itinerant Judges, without mentioning a Parliament, says, that the K. did it *per consilium & assensum Filii.*

Bromton (a) Circa festum S. Pauli conversionis D. Rex usq; Northampton veniens, ibi cum Episcopis, Comitibus, & Baronibus suis Angliæ de regni sui Statutis magnum Concilium celebravit.

By the same Author, and by (b) *Hoveden*, we are told, that the K. of Scotland came to that Parliament, together with 6 Bishops of that Kingdom, *cum Abbatibus & Prioribus terræ suæ ad subjectionem Anglicanæ Ecclesiæ faciendam.* The K. of England requiring the Scotch Bishops, &c. to make the same Profession of Subjection to the Church of England, which had been formerly made in the time of his Predecessors, they replied, that they had never had made any, nor ought not. And the Archbishop of York producing Bulls and other Records, to shew that in the time of the Archbishops his Predecessors, the Bishop of Glasgow had been subject to the See of York; the Archbishop of Canterbury oppos'd him, laying claim to Scotland himself, as under the See of Canterbury. So the Scots by that means escaped without being made subject to either: And returning home, to avoid the like Claims for the future, subjected themselves immediately to the See of Rome. In the former Convention at York, when they swore Fealty to the K. they had promis'd all that Subjection to the Church of England which they ow'd, and which they had formerly made. But now they plead they ow'd none, and had never made any. *Knyghton (c)*

(a) Col. 1106. (b) F. 314. b. (c) Col. 2396.

tells us, that the K. of Scotland having with his Prelates and Proceres done Homage, and sworn Fealty to the K. of England at York, *ad declarationem hujus subjectionis cum Prælati suis venisse ad Parliamentum Regis Henrici apud Northampton.* In a MS. Chronicle (a) I find this Parliament plac'd to the Year 1177. or confounded at least with another which was held there that Year. *An. 1177. & Hen. 22. ad Concilium apud Northampton venit W. Rex Scotiæ per mandatum Regis H. adducens secum omnes Episcopos & Abbates, & Priores totius regni sui.*

In the same Parliament of Northampton, the Assizes or Constitutions of Clarendon, were confirm'd with some Additions; which may be seen in (b) *Hoveden.*

I call'd it the Assizes of Clarendon; for so the Constitutions of that Parliament are call'd in the Decrees of this of Northampton: And the Title of the Northampton Decrees in *Hoveden* is this: *Assisæ Henrici R. factæ apud Clarendon, & renovatæ apud Northamptone.* And here I cannot but take notice of a Mistake of the Lord C. J. Coke, who in his 4th Institutes (c) tells us, that a Parliament, among many other Appellations, is call'd *Assisa ab assidendo*: and to prove it he gives this Instance, *as Assisa de Clarendon*: Whereas by *Assisa de Clarendon*, is meant not the Parliament it self, but the Sanction or Decree of that Parliament. Another Error he commits in the very same Breath, where he places the Parliament of Clarendon to 22 H. 2. whereas it was held on the xth of his Reign.

The same Year, a Parliament was held at Winchester, wherein the Archbishop of York complain'd against the Archbishop of Canterbury and the Bi-

(a) Lambeth 810. 58. (b) F. 314. (c) P. 2.

shop of *Ely*, for a great Affront and Violence offer'd him in a late Council held by the Pope's Legat. The Parliament was held on purpose to put an end to that Difference. *Bromton* (a): *Eodem Concilio pro pace inter ipsos Archiepiscopos & Episcopum Eliensem facienda apud Wintoniam per Regem tunc ibidem existentem congregato, Dictus Rogerus Archiepiscopus Ebor. coram Episcopis & regni Magnatibus Domino Regi conqueſtus eſt, &c.*

The ſame Year, *May 24.* another Parliament was held at *London*, to conſider of the Marriage of the King's Daughter *Johanna* to the K. of *Sicily*. *Ad ſummonitionem Regis, Rege Filio moram in partibus tranſmarinis agente, tam Prælati Eccleſiarum quam regni Proceres, generaliter convenerunt Londoniæ.—— Habito tractatu communi reſponſum eſt 8. Kal. Junii.—— Hæc acta ſunt in præſentiâ Cardinalis, Archiepiscopis aſſidentibus, & Episcopis, Cleri Procerumq; roborata conſenſu.* (b) *Rad de Diceto*. *Hoveden* (c) *Habito inde Concilio Londoniis, Rex Pater conſilio univerſorum Episcoporum, Comitum, & Baronum regni, conceſſit Regi Siciliæ filiam ſuam.——Bromton* (d) mentions the *Sapientiores regni* as ſummon'd to that Council. *Rex Archiepiscopis, Episcopis, Comitibus, & Sapientioribus regni ſui in urbe Londoniæ congregatis, conſuluit quid tam magni Regis nunciis reſponderet.*

At *Michaelmas*, the ſame Year, another Parliament was held at *Windsor*, wherein the K. iſſued out Orders to all the Great Men of *England* to give up their *Caſtles* into his Hands. (e) *Bromton*.

An. 1177. Another Parliament or *Concilium generale* was held at *Northampton*, poſt feſtum *S. Hilarii*, ſays (f) *Hoveden*; in which *Robert Earl of Lei-*

(a) Col. 1109. (b) Col. 590. (c) F. 315. (d) Col. 1112. (e) 1116. (f) F. 320.

cester and others were restored to their Lands ; and the Canons Secular of *Waltham* resign'd into the Archbishop's Hands their *Prebends* that the K. might there introduce *Canons Regular*.

Bromton (a) mentions this Parliament, and tells us, that there were present certain Persons in it who were sent from the Earl of *Flanders* to obtain the King's Consent, that he might marry his 2 Nieces, the Earl of *Boloigne's* Daughters, to the 2 Sons of the *French King* ; which he did not think fit to do without the King's Consent. And there, it seems, in that Parliament the Matter was debated ; with some other things relating to the Earl of *Flanders*'s Expedition to the *Holy-Land*. He says, the K. had there *Concilium Magnum cum Episcopis & Magnatibus terræ suæ*.

The K. being made Arbitrator between his Son-in-Law, *Alphonfus* K. of *Castile*, and *Sanctius* K. of *Navarr*, held a Parliament about that Matter on the 1st Sunday in *Lent*, the same Year, at *Westm*. (b) *Hoveden*. *Hi omnes missi erant ad allegandum, & respondendum pro Dominis suis. Venerunt etiam 2 Milites miræ probitatis & audaciæ cum equis & armis bellicis——ad suscipiendum duellum in Curia Regis Angliæ, si judicatum est. Prima igitur Dominica Quadragesimæ D. Henricus Rex Angliæ venit Londonias Concilium generale celebraturus. Cui interfuerunt Richardus Cant. Archiepiscopus, &c. & Abbates, Priores, Comites, & Barones Angliæ. Quibus in unum convenientibus apud Westm. præcepit Rex præfatis nunciis regni Hispaniæ, ut in scripto redigerent calumnias & allegationes suas, & postea ei offerrent : ut sic per interpretationem ipse & Barones sui possint intelligere, &c.——Henricus R. prolatis coram omni Populo sanctis Evangeliiis fecit*

prænominatos Nuncios jurare — His ita peractis, Comites & Barones Regalis Curie Angliæ adjudicaverunt plenariam utriq; parti supradictorum, quæ in jure petita fuerant, restitutionem. The K. in the Exemplification of the Judgment, has these Words: (a) *Fidelibus à vobis communiter electis, &c. in præsentia nostra & Episcoporum, & Comitum, & Baronum nostrorum constitutis.* — *Habito cum Episcopis, Comitibus, & Baronibus nostris cum deliberatione consilio.* The Witnesses are a great many Bishops and Lords, with an, *& multis aliis tam Clericis quam Laicis.* Bromton (b) tells us, that there were summon'd to that Council *Archiepiscopi, Episcopi, Comites, & Barones totius Angliæ.* And having reckon'd up 15 Bishops that were present, he adds, that there was also a great number of Deans and Archdeacons there. *Venerunt etiam illuc tot Abbates, tot Decani, tot Archidiaconi, quot leviter sub numero non cadebant.* He adds: *Venerunt etiam illuc de mandato Regis omnes Comites Barones regni Angliæq; Magnates. Et omnibus in Aula Regiâ apud Londoniam congregatis, &c. Tunc quia Comites & Barones Angliæ sermonem illorum minime intelligerent, &c. — Coram Episcopis, Comitibus & regni sui Baronibus protulerunt, &c.* The *Teste* of the Judgment, as it lies in Bromton, concludes with *aliis compluribus tam Clericis quam Laicis de regno Angliæ.* This Parliament is mention'd also by (c) *Rad. de Diceto*, and by *Paris* (d), who places it to the Year 1176. as if he began the Year, not, as the others do, from Christmas, but from Lady-day. *Benedict* in his MS. Chronicle speaks thus of it: *Rex misit Nuncios suos per totam insulam Angliæ, & mandavit Archiepisco-*

(a) Ib. f. 322. b. (b) Col. 1120. 2, &c. (c) Col. 597.
(d) P. 110.

pis, Episcopis, Comitibus, & Baronibus, totius Angliæ, quod essent ad eum apud Lundonias Dominica I. post caput Jæjunii, &c.

In this (a) Parliament the Earl of Ferrers's Brother being murder'd in London, and thrown out of his Inn into the Street, the K. commanded many of the Citizens of London to be seiz'd, and to be put to the Trial of Water; and one of the chief of 'em, because by that Trial he had not the luck to purge himself, though he offered a great Sum of Money for his Life, he ordered to be hang'd.

The same Year, between Easter and Whitsuntide, a Parliament was held at Ely. Bromton (b): *Venit Rex usq; Ely causâ visitandi sanctam Virginem Etheldredam, & illuc Rogerus Ebor. Archiepiscopus, Reginaldus Bathoniensis, & Johannes Norwicensis Episcopi, & multi Comites & Barones Angliæ ad tractandum de pace & stabilitate regni ad eum venerunt. Et cum diu ibidem tractassent, Rex inde venit ad Gaytonam.*

Another was held soon after at Windsor, as the same Historian (c) informs us: *Rex usq; Windesores se transferente & Rogerum Archiep. Ebor. & alios dictos Episcopos secum ducente, omnes fere Comites, Barones, & Milites regni ad eum illuc venerunt equis & armis parati quo præciperet Rex eundi. Cumq; ibidem de pace & stabilitate regni tractassent, custodibus Castellorum suorum Angliæ, de consilio Episcoporum, Comitum, & Baronum suorum, amotis, militibus de privata familia sua ea tradidit custodienda.* There also he Fined the Bishop of Durham for not serving him faithfully in his late Wars.

Another Parliament was held the same year at Oxford, where the K. created his youngest Son John

(a) Hoveden. (b) Col. 1127. (c) Col. 1127.

K. of Ireland. And there the Princes and Nobility of Wales swore Fealty to the K. and took an Oath to live peaceably among themselves. *Hoveden (a)*. Rex venit Oxeneford, & in generali Concilio ibidem celebrato constituit Johannem filium suum Regem in Hyberniâ, concessione & confirmatione Alexandri summi Pontificis. Et in eodem Concilio venerunt ad Regem *Resus, &c.* In the same Parliament he divided the Kingdom of Ireland, or a great part of it, into *Knights Fees*, and distributed 'em amongst his Great Men, and made them swear Fealty to his Son *John. Bromton (b)*: Apud Oxoniam Rex Johannem filium suum coram Episcopis & regni sui Principibus Regem Hiberniæ constituit, &c.

An. 1179. a little after Easter, in a Parliament held at *Winsoz*, the K. divided the Kingdom of England into 4 Parts; assigning to 3 of those Parts 5 Judges apiece; and to the 4th 6 Judges. Among those Circuit Judges were the Bishops of *Winchester, Ely, and Norwich*, *Nicholas* the King's Chaplain, and 2 Clerici Regis. *Hoveden (c)* reckons up all of 'em, with the several Counties in each Division. The K. (says he) magno celebrato Concilio apud *Windesores* communi consilio Archiepiscoporum, Comitum, & Baronum, coram Rege filio suo divisit Angliam in 4 partes; & unicuique partium præfecit viros sapientes ad faciendam justitiam in terrâ, &c. They that were 6 in number, among whom was *Ranulfus de Glanvilla*, had not only certain Counties under their Jurisdiction, as Itinerant Justices, but were also the ordinary Judges of the King's Curia; as appears by those Words: *Isti sex sunt Justicii in Curia Regis constituti ad audiendum clamores populi: Et eis assignatæ erant subscriptæ provincie.*

(a) F. 233. b. (b) Col. 1127. (c) F. 337.

An. 1180. at Christmas the K. held his Curia at Nottingham, where were present, by his Command, William K. of Scotland, together with most of his Magnates. Bremton (a). This Parliament Hoveden seems to have confounded with that of Northampton, an. 1176. which he makes to be held at Nottingham, and in which the K. of Scotland was also present.

An. 1182. a Parliament was held at Waltham, where the K. decreed, by the Advice of the Parliament, to lay out a great part of his Treasure to aid the City of Jerusalem. Radulfus de Diceto (b). *Apud Waltham Episcopi Wintoniæ regni convocavit Majores. Itaq; præsentibus illis & approbantibus, quandam pecuniæ suæ partem in causas pias erogare decrevit, necessitatibus Jerusalemitanorum in primis propensius providere procurans. Siquidem 42000 marcarum argenti, 500. marcas auri distribuit.*

An. 1185. Heraclius Patriarch, and Roger Master of the Hospitallers, of Jerusalem, coming into England, to request the K. (who was reckon'd the greatest K. of his time) to accept of the Kingdom of Jerusalem, and either to go thither in Person, or at least to send one of his Sons to defend it against Saladin; a Parliament was summon'd to meet at Clerkenwell, March 23. to consider what was best for him to do. And there it was resolved, that the K. ought not to leave the Care of his own Kingdom to go to defend another; and the King's Sons being then absent, they could come to no Resolution concerning them. Paris (c): *His auditis, convocato Clero regni ac Populo, convenerunt Londoniis apud Sanctum Clericorum, 10. Kal. Aprilis, Rex cum universâ nobis hunc regni, ubi dictus Rex, audientibus Patriarchâ &*

(a) Col. 1141. (b) Col. 613. (c) P. 119.

Magistro domus Hospitalis, omnes fideles suos multis adjurationibus astrinxit, quatenus proferrent in medium, quid super his salutis animæ suæ viderint expedire, &c.

When the Patriarch first came into England, which was the same Year, a great Council seems to have been held at Winchester; for the *Annals* of that Church tell us, he was brought to Winchester in a solemn Procession, *præsente tunc Rege, & omnibus fere Episcopis & Abbatibus totius Angliæ.*

An. 1188. the last of this Prince, in Febr. a Great Council or Parliament was held at Gaintington, or Gatinton near Northampton, about the taking the Cross for the Expedition to the Holy Land: and there, as Hoveden (a) assures us, there were many of the inferiour sort, both Clergy and Laity. *Rex statim postquam in Angliam applicuit magnum congregavit Concilium Episcoporum, Abbatum, Comitum, & Baronum, & aliorum multorum tam Clericorum quam Laicorum apud Gaintington: ubi in publicâ audientiâ recitari fecit omnia supradicta capitula, quæ constituerat de Cruce capiendâ. Quibus recitatis Baldewinus Cant. Archiepiscopus, & Gilbertus Rosensis Episcopus, Vicarius ejus, mirifice prædicaverunt illo die coram Rege, & Principibus suis, Verbum Domini, & salutiferæ Crucis mysterium. Ad quorum prædicationem multi tam Clerici quam Laici Crucem receperunt.* The Nature of the thing required an extraordinary numerous Convention, it being design'd to stir up all sorts of Persons to engage in the Expedition. Bromton (b) ad an. 1188. *Concilium apud Geytinton, ubi Baldewinus Cant. Archiepiscopus cum aliis pluribus crucem accepit. Ibi statutum fuit in Anglorum gente, ne quis escarleto, sabelino, vario vel griseo, aut vestibus*

a) F. 368. (b) Col. 1149.

laqueatis, aut in prandio de cibis exempto ultra duo fercula uteretur, eo quod Rex cum omnibus fere Angliæ Magnatibus ad terram sanctam cum expensis erat non minimis profecturus—Gervase (a)—*Tertio Id. Febr. convenerunt apud Gaitintune quæ à Northamptoniâ 8 vel 10 distat miliaris una cum Rege Præsules & Principes regni de defensione sacrosanctæ terræ Jerosolimæ tractaturi. Unde variis & multis hinc inde prolatis sermonibus, hæc tandem de Cruce sumpta, vel sumenda, Capitula subscripta promulgata sunt.* Among the Constitutions there recorded, one is that which is mention'd by Bromton. Hoveden tells us, that the K. had made those Constitutions (in which a great Tax is laid upon the whole Nation) while he was beyond Sea, by the Advise of the Great Men there about him : And he seems to intimate, that in the Council there was no more to be done, but only to publish or recite 'em. And from the Constitutions themselves it is plain, that they were drawn up by agreement between the 2 Kings of England and France, who were equally engaged. *Dispositum est à REGIBUS, Archiepiscopis, Episcopis, & aliis Principibus quod, &c.* But from what Gervase says, it may be gathered, that tho' they were drawn up beyond-Sea, they were ratifi'd and confirm'd in this Council. Wikes tells us, that the Tax was granted by the Pope. *Concessit D. Papa Regibus supradictis decimam partem omnium bonorum mobilium regnorum suorum percipiendam de regnicolis suis, non solum de Laicis sed & de Clericis ; tam secularibus quam religiosis, sicq; decimata est tota Anglia.* But that cannot be true concerning the Laity. The Waverly Annals say the Decimation was laid upon all Europe, by the Pope's Authority. Hemingsford (b) observes, that K. Hen. II. ne-

(a) Col. 1522. (b) P. 513.

ver laid any grievous Burden (meaning the Burden of a Tax) on his People. But an. 1166. M. Paris (a) mentions another Tax for the Relief of the Holy-Land; which, he says, was granted: whether by the K. or by the People themselves, he does not say. In his time (such was the Arbitrariness of our Kings then, and happy are we that it is otherwise now) Taxes seem to have been sometimes laid by the King's Justices (by order of the K. and his Privy-Council only) *Plurimum interest* (says the Black Book of the Exchequer, which was dedicated to this Prince) *si Donum vel Auxilium Civitatis per singula Capita commorantium in eâ, à Justiciariis constituatur. Vel si Cives summam aliquam, quæ Principe digna videatur, Justiciariis offerant, & ab eis suscipiatur. Dispar enim in his duobus modus coercionis est.*

33 H. II. which was A. D. 1187. we find a great Curia held at Clarendon (the same place above-mention'd, in Wiltshire, where the Kings had a Palace) mention'd in the Form of a Fine (b), in these Words: *Hæc est Finalis Conventio facta in Curia D. Regis apud Clarendum an. 33. Regni Regis H. 2. coram D. Rege & Johanne filio ejus, & Rand. de Glanvil. & Hub. Decano Eborac. & Rad. Archidiacono Hereford. & Rob. de Witefeld, & Rog. filio Remfir, & Roberto de Inglesham Archie. Glocest. & Josel. Archie. Magistro Thomâ de Busselcurn, Mich. Belet, & aliis Baronibus & fidelibus D. Regis qui tunc ibi presentes erant. — Quare volo, & firmiter præcipio quod hæc conventio inter eos facta, firma & stabilis permaneat T. Johanne filio meo, Ran. de Glanvill, &c. apud Clarendon.* Those mention'd by

(a) P. 82. (b) Ap. Spelm. Gloss. v. Finis.

Name as *Glanvil*, the Archdeacons, &c, we know were the King's standing *Justices*. But it appears that the K. himself was there present, and not only his Son, but also *alii Barones & fideles*, i. e. *Feudataries*. Some (a) take this *Curia* to be what we now call a *Privy-Council*

In a MS. Charter (b) of this Prince to the Church of *Westm.* I find another *Curia* of his mention'd, consisting of *Barons*. *Deinceps teneant eam sicut dirationatum fuit in Curia mea coram Baronibus meis.*

The King's Court of Justice in those Days was where the King himself was: It being then the Custom for the K. himself to be present in it. And since the Courts have been fix'd in *Westminster-Hall*, our Kings have sometimes sat there in Person, and not *Incognito*, but openly, and, what is very remarkable, with their *Crowns* on their Heads, as they used heretofore to sit in the *Curia* held on the 3 Great Festivals. One Instance of this kind I have found in the Continuation of the MS. *Eulogium ad an. 1403.* where 'tis said (and the Author appears to have lived at the same time) that K. *Henry IV.* sat in the *Alm-time* in *Westminster-Hall*, that is, in one of the Courts there, with his *Crown* on, and that the Pope's *Legat* came thither to him: *Sedente vero Rege in Alernius suo CORONATO apud Westm. intravit Cardinalis supradictus Burdigal: qui in introitu deposuit capellium suum, & procedens ad medium Aulae deposuit capicium suum. Et appropinquans Regi deposuit medietatem capicii sui se inclinans. Rex autem surrexit & cepit manum ejus & osculatus est eum.* It is probable that he then wore

(a) Brady Introdact. p. 206. (b) Chartulario Westm. Cotton. Faustina A. 3 fol. 68.

his *Crown* that he might appear with the greater Majesty to the *Legat* whom he there expected.

But to return to *Hen. II.* What I have to add concerning Him, is only a Word or two touching his *Laws*, many of which I have already mention'd. *Matt. Paris* (a) tells his Reader, that he would give him *an account of the Laws which He made for the Good of the Kingdom*, were it not that he was afraid of offending by being too prolix. The *Laws* which are publish'd under *Glanvil's* Name, who was Chief-Justice in his Reign, are in some ancient MSS. ascribed to the King himself. But whether that Book which is extant under his Name, were really writ by *Glanvil*, Mr. *Selden* (b) questions, and seems to doubt whether it be so antient as his time. *Hoveden* (c) tells us expressly, that by *Glanvil's Wisdom* were made those *Laws* which are call'd the *English Laws*. *Eodem anno* (1180.) *Henricus Rex Angliæ Pater constituit Ranulfum de Glanvilla summum Justiciarium totius Angliæ; cujus sapientiâ conditæ sunt Leges subscriptæ quas Anglicanas vocamus.* The *Leges subscriptæ*, are the *Laws* of the *Confessor* as mended by the *Conqueror*: but very different from those which were really mended and published by the *Conqueror*, as appears from *Ingulfus*. It seems therefore, that that *Latin Edition* extant in *Hoveden*, is owing to *Glanvil*, who made it to differ very much from the *French Original*.

Bromton (d) *ad an. 1163.* and others (e) tell us, that the King's Judges having informed him that many *Thefts*, *Rapines*, and *Murders*, were frequently committed by *Clergymen*, *acri motu turbatus, contra Clericos Malefactores posuit Leges suæ.* But whether by his *Laws*, they mean the *Laws* made by

(a) P. 127. (b) Tit. Hon. p. 785- (c) F. 342. b.
(d) Col. 1058. (e) Hemingford p. 495.

Him, or only the Laws of his Realm, may be doubted.

M. Paris, in the Lives (a) of the Abbots, of St. Albans observes that Hen. II. forbad all the Bishops of his Kingdom, to excommunicate any of his Optimates. But that was no new Law made by him: For the Conqueror did the same. De Diceto (b), an Author of the same Age, tells us, that K. Henry would not suffer, not only his Servants and Tenants in Capite, but neither any Captain, nor any Soldier of his to be excommunicated without his Knowledge. Archbishop Becket, says he, having excommunicated the Lord of the Village of Aineford for turning out a Clerk whom he presented (or collated) to that Living, as pretending to the Patronage of it; the K. was extream angry at it, because he did not first certifie him of it. *Asserit namq; Rex juxta dignitatem regni, quod nullus Capitaneorum, nullus militans Regi, nullus minister Regis, nullus scil. ut vulgariter loquar, de Rege tenens in Capite Castellum, villam, vel prædium, citra conscientiam Regis excommunicandus ab aliquo, ne si super hoc Rex certioratus non fuerit, ignorantia lapsus communicet excommunicato; capitaneum suum venientem ad se, vel invitans ad osculum, vel recipiens in consilium.*

Hoveden (d) mentions a Law concerning Forests, made by him at Woodstock.

Hemingford (c) tells us, that in the very beginning of his Reign, publice Legis in primis solitudinem habuit, ut Lex quæ extincta videbatur paulatim exurgeret, &c. ordinatis in cunctis Regni finibus viris & Legum ministris, qui improborum audaciam coercerent.

(d) P. 1030. (b) Chron. Col. 536. de Archiep. Cant. p. 689.
(c) P. 491. (d) f. 446.

Parliaments under Ric. I.

HENRY II. dying July 6. 1189. his Son Richard I. was Crown'd Sept. 3. at what time he swore, *quod malas Leges & iniquas consuetudines, si aliquæ fuerint in regno suo delebit, & bonas observabit.* There were present, says (a) Paris, *omnes Episcopi, Comites, Barones, & regni Magnates.* And there sat at Table with him *Archiepiscopi, Episcopi, Comites, & Barones, secundum suum ordinem & dignitatem, cum Clero & Populo.* Where by Populus it is plain, that the Persons of Quality under the Degree of the Nobility are to be understood. Radulfus de Diceto (b), who was there present; *Ad vocationem Archiepiscopi Cant. Ecclesiæ Suffraganei Lundoniæ convenerunt 3. Non. Sept. ad Coronationem novi Regis. Convenerunt etiam Abbates & Conventualium Ecclesiarum Priores. Mater Comitum Alienor Regina de vocatione omnium Comitum, Baronum, Vicecomitum fuit sollicita—Comes itaq; Pictavorum Ricardus hæreditario jure promovendus in Regem post tam Cleri quam Populi sollemnem & debitam electionem, involutus est triplici sacramento, &c.* He was Crown'd, says Brompton (c), *congregatis ibi Archiepiscopis, Comitibus, Baronibus, & multitudine Militum copiosa. — Et omnis turba Comitum, & Baronum, Militum & aliorum, tam Clericorum quam Laicorum. usq; in atrium Ecclesiæ, & sic usq; ad altum altare solempniter sequebatur. Quo cum perveniret, coram prædictis Archiepiscopis, Episcopis,*

(a) P. 128.
(c) Col. 1158.

(b) Col. 647-

See Hoveden f. 374.

Abbatibus, Comitibus, Baronibus, Clero & Populo, Ricardus Dux tria sacramenta fecit — Et sic coronatus venit prandere. Et Archiepiscopi, Episcopi, Abbates, & alii Clerici secundum ordinem & dignitatem suam, Comites, Barones, Milites & aliæ personæ seculares, juxta eorum decentiam & nobilitatem epulabantur splendide. I have already said, that all the same Persons, who were obliged to come to Parliament, were also obliged to attend at the Coronations.

Sept. 14. in a Council or Parliament held at the Abby of *Wipewell* in Northamptonshire, the K. nominated an Archbishop of York, with 4 other Bishops, &c. *Archiepiscoporum, Episcoporum, & aliorum Magnatum suorum fretus consilio: says Paris (a). Hoveden (b)* reckons up the several Bishops who were there present; among whom were the Archbishop of Dublin, and other Irish Bishops, with the Abbots and Priors *fere totius Angliæ.* He adds, that the Archbishop of York being nominated, the Archbishop of Canterbury forbade him to be consecrated by any one but himself, and concerning that appeal'd to the Pope, *coram Rege, & universis Episcopis, & Clero, & Populo.* Radulfus de Diceto (c): *Habitus est generalis conventus juxta dispositionem Regis, & Archiepiscopi 17. Kal. Octob. apud Wipewelle, ut de consilio vacantium per Angliam Ecclesiarum haberetur tractatus, &c. Bromton (d). D. Rex venit ad Abbatiam quæ dicitur Wippewelle, & congregatis ibidem Baldewino Cant. Waltero Rothomagensi, & Johanne Dublinensi Archiepiscopis, & omnibus aliis fere Episcopis, Abbatibus, & Prioribus regni. — Quibus expletis, Rex & cæteri omnes ad sua hospitia sunt reversi. Mane autem facto, venerunt iterum Rex, & Archiepiscopi, Episcopi, cum copiosâ*

(a) P. 129. (b) f. 375. (c) Col. 648. (d) Col. 1161.
Cleris

Clericorum & Laicorum multitudine ad Abbatiam prædictam, &c. Gervase (a): 17. Kal. Octob. conveniunt apud Pipwelle Episcopi, & Abbates Angliæ, ubi in præsentia Regis & Archiepiscopi, isti electi sunt, &c.

In October, the K. of France having sent the K. word that he had absolutely engaged himself to be ready the next *Easter* to go to the *Holy-Land*, and desiring that the K. would give him his Oath that he would be ready at the same time: the K. convocatis Episcopis & regni Proceribus apud Westm. oblig'd the French Embassador to take an Oath in animam Regis Francorum, and commanded the Earl Marshal to swear in Animam suam, that he also would be ready at the same time. Paris (b). Hinc factum est, says Hoveden (c), quod Ricardus Rex Angliæ, & Comites, & Barones sui, qui Crucem susceperant, in generali Concilio constituti apud Londonias, juraverunt tactis sacrosanctis Evangeliiis, &c. Bromton (d): Unde Rex Angliæ congregatis Episcopis, Comitibus, & Baronibus regni sui, Parliamentum Londoniæ super hoc habuit & tractatum, in quo, &c.

About the same time, decima pars rerum mobilium generalis, concessa per Angliam (ut collecta ad subventionem Terræ Sanctæ impenderetur) tam Clerum quam Populum exactione violentâ perterrui, quæ sub Eleemosynæ titulo, vitium rapacitatis inclusit. Paris.

Nov. 29. a Parliament was held at Canterbury, where a Controversie was decided between the Archbishop and the Monks of that Place, concerning the Chapel of Backetun, which the Archbishop had built, to the Prejudice of the Church of Canterbury, as the Monks thought. Radulfus de

(a) Col. 1559. (b) P. 130. (c) f. 376. (d) Col. 1166.

Diceto (a): Pax reformatata fuit inter Archiepiscopum & Monachos suos præsente Rege, præsentibus Episcopis, Abbatibus, Clero, Baronibus & Populo multo 3. Kal. Decemb. &c. The K. came to Canterbury, says *Gervase (b)*, cum Archiepiscopis, Episcopis, & Abbatibus, & Proceribus multis. Agen in another place (c): *Confluxit Cantuariam innumera Nobilium & plebis multitudo, Episcopi, viz. & Abbates, Angliæ, Comites, & Barones, inter quos & Rex Scotiæ David & Electus Ebor. Tanta itaq; convenit multitudo conditionis diversæ, quanta nunquam à retroactis temporibus in Cant. visa est, adeo ut in clauſtro Monachorum Regis tentoria ponerentur.* They had appeal'd to the Pope about it, and a Legat was sent over to determine the Matter. But he landing at Dover without the King's leave, was there stopt 13 Days; and in the mean time the Controversie was determin'd.

An. 1190. the K. constituted *William* Bishop of Ely, a Norman (who was also endowed with a Legatine Power, and was Chancellor too) Vice-Roy or Procurator of England, and together with Archbishop Baldwin, &c. went towards the Holy-Land to defend it against the Saracens.

The Archbishop dying at Acon soon after, the K. writes from *Messana* in Sicily, to have the Archb. of Mount-Royal, chosen Archb. of Canterbury in his stead. Upon this a Convention of the Bishops and Proceres was summon'd at Northampton. Where it it was determin'd that the Matter should be deferr'd. *Gervase (d).*

About the same time the Bishop of Ely, cepit ad opus D. Regis de unaquaq civitate Angliæ duos pale-

(a) Col. 649. See Hoveden f. 377. (b) Col. 1678. (c) Col 1558. (d) Col. 1569.

fridos, & duos summarios de auxilio: & de unaquaq; Abbatia Angliæ unum palefridum, & unum summarium, & de unoquoq; manerio Regis unum palefridum, & unum summarium. Hoveden (a) and Bromton (b).

The Bishop with his great Power growing extream insolent, John Earl of Moreton the King's Brother, with the major part of the Barons, oppos'd him. Near Windsor, in the open Field at Loedonez Bridge, a Conference was appointed to be held the Sunday after Mich. *Convenerunt ad colloquium Magnates Angliæ, de magnis & arduis Regis & Regni negotiis tractaturi*, says Paris (c). But the Bishop coming to Windsor, and not daring to meet his Enemies for fear of being seiz'd, fled from thence to London, and secur'd himself in the Tower. The Earl follows him to London, and there (d) *tam Archiepiscopi, quam Episcopi, tam Comites, quam Barones convenerunt in Capitulo S. Pauli Lundoniæ, pulsata campana quæ populum solet ad conveniendum urgere*: Where they all swore Fealty to the King.

A few Days after (e), *habitu est colloquium ab Orientali parte Turris Lundoniensis. Præsens fuit Comes, Cancellarius, Archiepiscopi prædicti (of York and Roan) Pontifices, Comites, & Barones*. And there it was agreed *assensu communi*, that all the Castles, which the Bishop had committed to the Custody of his Familiars, should be given up, and especially the Tower. From thence the Bishop endeavouring to escape beyond-Sea, was seiz'd at Dover, and afterwards was permitted by the Justices of the Kingdom to pass over into Normandy. This was an. 1191. or, according to Gervase, 1192. In a MS. History (f) of

(a) f. 378. b. (b) Col. 1171. (c) P. 139. (d) Rad. de Diceto Col. 664. (e) Ib. Col. 665. V. Bromton Col. 1226. and Paris. (f) Lambeth 4to. 47.

Ric. I. I find these Words: *Barones Angliæ insolentiam Cancellarii non ferentes, de Cancellariâ suâ* (meaning his *Vicc-Roy-Power*) *eum communi consilio deposuerunt & Archiepiscopum Rotomagensem loco ejus substituerunt.* To the same purpose (a) *Hemingford.*

The Chronicle of *Mailros ad an. 1191.* tells us, that the K. of *England* constituted *Arthur Duke of Brittain* his universal Heir, if he should die without Issue, *Et hoc sacramento Episcoporum, & Comitum, & Baronum suorum fecit confirmari.* This was done whilst he was in *Sicily* in his Expedition to the *Holy-Land*, as other Historians tell us. But I do not remember, that they say any thing of an Oath taken by the Great Men there about him.

An. 1193. the K. being made a Prisoner by the Archduke of *Austria*, in his return from the *Holy-Land*, and by him deliver'd to the *Emperor*, the Sum of 100000 Marks was demanded for his Ransom: To raise which the States of *England* met together, and *assensu communi statutum est* (b) what the several Degrees should pay towards it. *Gervase* (c) tells us, that before this Collection was finish'd, *Convocati sunt iterum & iterum apud Londoniam tam Ecclesiasticæ quam seculares personæ, ut subtilius requirerent si quid esset residuum ad solvendum.*

An. 1194. Febr. 10. Earl *John* the King's Brother having fortified his Castles, and set up for himself, upon a Presumption that the K. would never be Redeem'd, *Hubert Archbishop of Canterbury* call'd together the *Bishops, Earls, and Barons*, who decreed, that all his Lands should be seiz'd, and his Castles besieged. *Qui convocatis coram eo Episcopis, & Comi-*

(a) P. 530. (b) Vide Rad. de Diceto Col. 670. Bromton Col. 1256. (c) Col. 1584.

tibus, & Baronibus regni— & statim per commune consilium regni definitum est, &c. Hoveden (a) adds, that after this was done, the same Day, the Archbishop, and Bishops, with the Abbots, and divers Clergymen, went into a Chapel at Westminster, and excommunicated the Earl and his Adherents: Eodem die Hubertus Cant. Arch. & Hugo Lincolnienfis, &c. & Henricus Exoniensis Electus, & Abbates, & Clerici multi Cantuariensis Dioceseos, convenerunt in Capellâ Monachorum Infirmorum apud Westm. & sententiam anathematis tulerunt, &c. Having done that, they entred an Appeal against the Bishop of Ely as Legat, to have him turn'd out. By Cant. Dioceseos seems to be meant the Province of Canterbury, as that Word is often used. But that those Clergymen sat before in the Great Council, does not appear; tho' it's probable enough.

Mr. Selden (b) mentions a Parliament held at Oxford this Year (the first of K. Ric. as he calls it, meaning the fifth) out of the Roll of Accounts of the Sheriffs of London and Middlesex 5 Ric. I. where are these Words: *Laurentio Ostiario xx. solidos ad deferendas summonitiones Regis per Angliam pro Concilio convocando apud Oxineford per breve Regis.* And this he takes to be the same with that above-mention'd. But in that I cannot agree with him. For Hoveden not only speaks of that Parliament as held in London, but with such particular Circumstances, as shew that he could not mistake London for Oxford. I take this Parliament to be held a little before that mention'd by Hoveden.

The K. being return'd out of his Captivity,

(a) F. 13. b. (b) Tit. Hon. p. 706.

on March 30. (a) held a Council at **Nottingham**, wherein was present his Mother **Q. Alienor**, with the 2 Archbishops, who sat in the Council, the one on his Right Hand, the other on his Left, as the same (b) Historian observes. There the K. disseiz'd several of their Castles, and *Vice-comitatus*, and expos'd 'em to sale. The next Day, which was the 2d of the Council, he requir'd Judgment against his Brother the Earl, and his Adherent the Bishop of **Coventry**: who were accordingly summon'd to make their Appearance within 40 Days. The next Day, *celebravit tertium diem Colloquii sui: in quo constituit sibi dari de unaquaq; Carucata terræ totius Angliæ duos solidos. Deinde præcepit, quod unusquisq; faceret sibi tertiam partem servitii militaris, sicut singulus feodus apportat, ad transfretandum cum illo in Normanniam. Deinde exigebat à Monachis Ordinis Cistrensis totam lanam suam de boe anno; sed quia hoc facere erat eis grave & importabile, fecerunt cum eo finem pecuniarium. 2dâ mensis Apr. Sabbato celebravit diem 4. & ultimum Concilii sui: in quo omnes tam Clerici quam Laici, qui volebant sibi conqueri de Archiepiscopo Ebor. fecerunt querimonias multas de rapinis, & injustis exactionibus: sed Archiepiscopus Ebor. nullum dedit eis responsum.* There another was accused of Treason and other Crimes, who denying all that was laid to his Charge, his Accusers gave security for the prosecuting of him, and he gave security *de defendendo se per unum de liberis hominibus suis.* At the same time the K. appointed a Day to be Crown'd a-new at **Winchester**

(a) Mr. Selden p. 706. makes him return in May; which is a Mistake. A MS. Chron. in Lambeth Library fol. 169. says, he landed at Sandwich die Domin. post festum S. Georgii: on St. Gregory's Day, says another MS. History, *ibid.* 40. 47. Mense Martio, says Hemingford. (b) F. 419.

the Easter following. A MS. Chronicle (a) tell us, that *Johannem fratrem suum tanquam ingratum & infidum* judicio Procerum omni honore privavit. The Annals of Margan ad an. 1199. tell us, that K. John was Crown'd, *contra judicium Archiepiscoporum, Episcoporum, Comitum, & Baronum, & omnium aliorum Magnatum Angliæ; quod factum fuit apud Notting-ham præsentem R. Ric. fratre suo; ubi propter proditorem*—— *abjudicatus & exhæredatus fuit.*—— *Judicium quoq; fuit ut summoneretur per tres quadragenas, venire in Curiam R. Angliæ ad respondendum & defendendum corpus suum, si posset.*—— *Sed nec venit, ne responsalem pro se misit: unde 3 Comites Pares sui missi fuerant ad Curiam R. Franciæ, ut in eâ desupradictâ prodicione eum convincerent; sed & nec ibi comparuit, nec respondit, nec se defendit.* Hemingford (b): *Johanni fratri suo*—— *omne jus pristinum & honorem impensum, Procerum suorum solenni judicio, abjudicavit.* Of the Tax laid at that time as well upon the Clergy as the Laity, we have an Account in the same Author.

Apr. 6. at Dalton the K. of Scotland demanding to be restored to the Earldoms of Northumberland, Cumberland, Westmerland and Lancaster, by the Right of his Predecessors, the K. answered, that he would *satisfie him per consilium Comitum & Baronum suorum.* Hoveden.

Apr. 9. they came both to Northampton, *ubi Rex Angliæ habito cum Episcopis, & Comitibus, & Baronibus suis cum deliberatione Consilio, respondit Regi Scotiæ, &c.*—— *tamen Rex Angliæ in præsentia Alienor Matris suæ, & Huberti Cant. Arch. & Gocelini Glasguensis Episcopi, & aliorum multorum, tam Clericorum, quam Laicorum utriusq; regni, granted, and*

(a) Lambeth fol. 169. (b) P. 540.

confirmed by Charter to the K. of Scotland and his Heirs for ever, that whensoever upon the K. of England's Summons, they should come to his Curia, the Bishop of Durham, and the Sheriff of Northumberland should receive him at the River Tweede, and conduct him to the Taise, where he should be receiv'd by the Archbishop of York and the Sheriff of that County, and so be conducted by the Bishops and Sheriffs from County to County till he came to the King's Court, &c. Idem.

Apr. 17 He was Crown'd a 2d time, at Winchester : The Description of his Coronation you have in the same Author (a).

An. 1197. Dec. 7. in the King's absence, there was a Convention of the Bishops, Abbots, Earls, and Barons of England, under the Archbishop at Oxford : mention'd by (b) Gervase. *Convenerunt apud Oxenefordiam Archiepiscopus Episcopi Angliæ, & Abbates, Comites quoq; & Barones.* So I read, not as it is printed. He tells us, that it was summon'd by 2 Monks sent throughout England.

There is extant in Hoveden (c) a Law made by this K. an. 1197. concerning *Weights and Measures*, that they should be the same over all the Kingdom. *Affisa de mensuris facta per Rich. Regem Angliæ.* In the same Law a Prohibition is included concerning *Tinctures*. He mentions also divers others (d) relating chiefly to his *Forests* : which are entitled ; *Capitula Placitorum Coronæ Regis.* Made with the Consent of the *Archbishops, Bishops, Abbots, Earls, Barons,* and the *Knights of his whole Kingdom.* *Hæc est Affisa Domini Regis, & hæc sunt præcepta de Forestis*

(a) f. 420. (b) Col. 1600. (c) f. 440. b. (d) f. 445. b. 446.

suis in Anglia facta per assensum & consilium Archiepiscoporum & Episcoporum & Abbatum, Comitum, & Baronum, & Militum totius regni sui. M. Paris too mentions (a) the former concerning *Weights and Measures*, and says it was made at *Westminster* on *S. Edmund's Day*, at the instance of the *Archbishop of Canterbury*, *Justice of England* : *Eodem an. constitutum est à Rege Ric. ad instantiam H. Cant. Archiepiscopi & Angliæ Justiciarii, &c.*

Of a great Tax which he laid on the whole Nation *an. 1198.* and the manner of assessing and collecting it, see *Hoveden Fol. 443.* It is there said : *Et omnes servientes illi summonebantur esse apud Londonias in Octavis clausi Pentecostes, audituri & facturi præceptum D. Regis.* In that Tax were excepted *Libera Feoda Ecclesiarum Parochialium*, i. e. the *Knights Fees*, or *Mannor* annex'd to *Parochial Churches.* A MS. Chronicle (b) in *Lambeth Library* places this Tax to the foregoing Year. *An. D. 1197. Rex Ric. cepit de unaquaq; carucata terræ totius Angliæ 5 solidos de auxilio.*

Parliaments under K. John.

King *Rich.* dying in *Normandy Apr. 6. 1199.* Earl *John* his Brother, who was likewise there at that time, sent over *Hubert*, *Archbishop of Canterbury*, with others in all hast to secure the *Kingdom of England* to him ; who, as (c) *Hove-*

(a) Ad *an. 1197.* (b) 4^{to} 144. (c) f. 450. b.

den tells us, *fecerunt homines regni, tam de civitatibus, quam de Burgis, & Comites, & Barones, & libere Venientes, jurare fidelitatem & pacem Johanni* — *contra omnes homines.* But all the Bishops, Earls, and Barons, who had Castles, beginning to fortifie 'em, the Archbishop, with Geffry the Justice of England, &c. call'd together the Earls and Barons, of whom they doubted, at Northampton, and gave 'em an assurance of Earl John's good Inclinations and Intentions, and so prevail'd upon 'em to swear Fealty and faithful Service to him.

K. John was Crown'd at Westminster May 27. *assistente Prælatorum, Comitum, & Baronum, & aliorum nobilium multitudine infinitâ*, says (a) Bromton: *Congregatis Archiepiscopis, Episcopis, Comitibus, & Baronibus, atq; aliis omnibus qui ejus Coronationi interesse debuerant*, says Paris (b), : Who tells us, that at his Coronation, Hubert Archbishop of Canterbury, in the midst of 'em all, stood up and made a Speech, which begun with these Words: *Noverit discretio vestra, quod nullus præviâ ratione alii succedere habet regnum nisi ab Universitate Regni unanimiter, invocata Spiritus gratiâ electus, & secundum morum suorum eminentiam præelectus, &c.* — *quem nos, invocata Spiritus S. gratiâ, ratione tam meritorum quam sanguinis Regii unanimiter elegimus universi.* He adds, that upon this, the whole Convention chose and took him for their King, and that the Archbishop being ask'd, why he spoke after that manner, made this Answer, That he foresaw by some Presages and Oracles, that the K. would prove a very ill Prince, & ne haberet liberas habenas hoc faciendi, ipsum electione, non successione hereditariâ, eligi debere affirmabat. This part at least, I take to be an idle Monkish Story, such as Paris has too many of. But certain it is, that K. John was

(a) Col. 1281. (b) P. 165.

not the right Heir of the Crown, but *Arthur Duke of Brittain*, who was Son to *Geffry* his elder Brother. He says in one of his Charters, that he came to the Crown, *Jure Hæreditario, mediante tam Cleri quam Populi, unanimi consensu & favore.*

In his first Year, he made a Statute concerning the Price of *Wine*; mention'd by *Hoveden* (a).

An. 1200. Regni 2. the Archbishop of *York*, for refusing to go over into *Normandy* with the K. and for not permitting the King's Servants *capere denarios carucarum in terrâ suâ sicut in aliis partibus regni factum est*, had his whole Income seiz'd into the King's Hands, and was summon'd to appear in the King's Curia, to answer for it. But there at *Westminster* *Huberto Cant. Archiepiscopo, & Magnatibus præsentibus*, the K. was reconcil'd to him. *Paris* (b).

About *Midsummer* he took 3 *Shillings* for an *Aid*, of every *Carucat* of Land throughout all *England*. *Hoveden* (c). A MS. Chronicle (d) places it to his first Year.

Nov. 22. He held a Parliament at *Lincoln*, where *William K. of Scotland* swore Fealty to him upon the Archbishop's Cross in the open Field upon the Hill there. *Hoveden* (e) reckons up the Great Men that were there present, and were Witnesses to it. It was *coram Optimatibus utriusq; & in conspectu omnis populi*: says (f) *Bromton*. They came together, says *Paris* (g), *cum universâ nobilitate tam Cleri quam Populi utriusq; regni*. And in conspectu omnis Populi did him Homage and swore Fealty to him *coram cunctis Magnatibus regni*. Dr. Brady (g) is not willing to

(a) f. 453. (b) p. 170. See *Hoveden* f. 461. (c) f. 454. b. (d) *Lambeth* 4to. 144. (e) f. 461. b. (f) Col. 1285. (g) *P.* 171. (g) *Introduc't* p. 209.

own this to be a Parliament ; because, as he says we find no *Summons* to it. But, by his Favour, *Bromton* calls it expressly a Parliament, and mentions its being summon'd. *Apud Lincolniam omnes Angliæ Proceres & Potentes intererant. Nam Rex Johannes de Normanniâ in Angliam reversus, Parliamentum suum, usq; Lincolniam convocaverat.* So the *Annals de Margan* : *Concilio congregato ap. Lincoln, &c.* *Lincoln* was a place to which the Kings of *England* very seldom came, there being in those Days a superstitious Opinion, that it was dangerous for any K. to come into that City : or at least into the Cathedral Church. *Hoveden* tells us, that he undauntedly, contrary to the Advice of many, entred into the Church. *Paris* speaks it of the City it self.

About the close of this Year he made a Statute relating to the *Exchequer*, which in *Hoveden* (a) is entitled : *Consuetudines scaccarii super debitis D. Regis inquirendis.* It begins : *Statutum est, & per præceptum R. Johannis confirmatum quod, &c.*

The same Year, *consilio regni & voluntate Regis*, was decided a great Controversie, between *William Stutevil* and *Will. of Mowbray*, touching a Barony ; which had depended from the time of *Hen. II.* (b) *Hoveden.*

An. 1201. he commanded the *Earls* and *Barons* to be ready with their Horses and Arms at *Whitsantide* to sail with him into *Normandy.* *Interim Comites Angliæ convenerunt ad colloquium apud Leiceſtre, & ex communi consilio mandaverunt Regi, quod non transfretarent cum illo, nisi ille reddiderit eis jura sua.* For which refusal, says *Hoveden* (c) the K. being ill advised, required 'em to give up their Castles to him. At last the *Barons of England* thought fit

(a) f. 463. (b) f. 456. b. (c) f. 465. b.

to comply with him; and according to his Command, met together at *Portsmouth*: where some of 'em were excused from going over with him, upon paying so much Money as they were like to expend in his Service.

Whilst he was in *Normandy*, he sends over into *England* for a Contribution for the *Holy-Land*, of the 40th part of every Layman's Income, for one Year. *Rex Angliæ hoc ipsum mandavit fieri de redditibus, & escaetis, & wardis suis Angliæ: & præcepit, ut omnes Laici terrarum suarum simili modo 40^m partem reddituum suorum darent in eleemosynam ad subventionem terræ Jerosol. (a) Hoveden.* Geffry Earl of *Essex* Chief-Justice of *England*, in his Mandate to his *Sheriffs*, says, the K. had granted it upon the Pope's Desire. But it appears that it was only requested by the K. not arbitrarily imposed. For so the Historian adds: *Scriptis D. Rex omnibus Angliæ Magnatibus per literas patentes; rogans & inducens eos, quatenus puro corde, & charitatis intuitu idem illud de valore omnium reddituum, & terrarum suarum unius anni concederent; quod quidem nec debito, nec de consuetudine, nec de coactione, nec de aliquâ auctoritate Apostolicâ conceditur, vel postulatur.*

An. 1204. Jan. 2. a Parliament was held at *Driford*, where an *Aid* was granted by the *Laity*, and the *Bishops* and *Abbots* too promis'd the like, but did not there actually grant any. When they are said to have promis'd, the meaning seems to be, that they promis'd to convene their respective Clergy, and the Monks of their respective Convents to consider of it. *M. Paris (b). An. gr. 1204. Rex Joh. Natale Domini celebravit apud Cant. Huberto Cant. Archiepiscopo omnia necessaria festivitati Regiæ ministrante.*

(a) f. 471. (b) p. 1076.

Deinde in crastino Circumcisionis convenerunt ad Colloquium apud Droniam Rex & Magnates Angliæ: ubi concessa sunt Regi auxilia militaria, de quolibet scuto scil. duæ marca & dimidia: Nec etiam Episcopi, & Abbates, sive Ecclesiasticæ personæ, sine promissione recesserunt. Matthew of Westminster recites the same Words; only for ET Abbates, he has VEL Ab. But Paris's seems to be the truer Reading. By, sive Eccl. Personæ, I do not understand other Eccl. Persons, distinct from the Bishops and Abbots: but only in the same Sense as if it had been said, nec etiam Eccl. Personæ, scil. Episcopi & Abbates. I say, this seems to be Paris's meaning; tho' 'tis probable there were some others there present besides Bishops and Abbots, viz. Priors, who are often comprehended in the Name of Abbots.

The Patent Roll of 5 Job. m. i. n. 3. (a) mentions an Assise of Beer and Wine, made per commune Consilium Baronum nostrorum, at Winchester.

In his 6th Year he made certain Laws for the defence of the Kingdom, communi assensu Archiepiscoporum, Episcoporum, Comitum, Baronum, & omnium fidium nostrorum Angliæ: as the Words are of a Roll (b) of that Year. And this evidently proves the Authority of the Commons of England (or of the inferiour Feudataries) in Parliament, at that time.

We have this Year a Writ of Summons (c), the eldest that has been yet found, sent out to the Bishop of Salisbury, in which he is required not only to come to the Council (or Parliament) himself, but also to summon the Abbots and Conventual Priors of his Diocese. The Words are too plain and

(a) Cited by Pryn Præf. Parl. Writs. Vol. 1. and by Seld. Tit. Hon. p. 707. (b) Seld. Tit. Hon. p. 707. (c) Ibid. p. 708.

express to admit of that Construction which a late (a) learned Author has put upon 'em : That by *Abbots and Conv. Priors*, perhaps may be meant *all those of the Clergy below Bishops*. Most certainly not. Tho' *Historians* sometimes mention only the Chief : Yet *Writs of Summons* are always exact, and can be understood no otherwise than according to the Letter.

Mandamus vobis rogantes quatinus omni occasione & dilatione postposita, sicut nos & honorem nostrum diligitis, sitis ad nos apud London die Dominica prox. ante Ascensionem Domini nobiscum tractaturi de magnis & arduis negotiis nostris, & Communi regni utilitate. Quin super his quæ à Rege Franciæ per nuntios nostros & suos nobis mandata sunt, unde per Dei gratiam bonum speramus provenire, vestrum expedit habere consilium, & aliorum Magnatum terræ nostræ quos ad diem illum & locum fecimus convocari. Vos etiam ex parte nostra & vestra Abbates & Priores Conventuales totius Diocesis citari faciatis ut Concilio prædicto intersint sicut diligunt nos & communem regni utilitatem. T. &c.

M. Selden, to whom we are beholden for this *Writ*, observes, that the *Roll* that hath it, hath no such Note of *consimilia*, to the rest of the Barons, as is usually in other *Close Rolls* where *Summons* to Parliaments are entred. He observes in the same place (what I shall here also mention) out of *Fitz-Stephens's MS. Life of Archbishop Becket*, that the first *Summons* was of ancient Custom directed to the Archbishop of Canterbury, but that *Hen II.* when he summon'd that Archbishop to the Parliament of *Northampton* as a Delinquent, did not summon him at all, as he did other *Barons*, but commanded the Sheriff of *Kent* to cite him. *Nec tunc enim* (says he) *nec diu ante ei scribere voluerat, quia*

(a) Rights of Convoc. p. 218.

eum salutare volebat. Nec aliam per literas sibi directas solennem ac primam, ut antiqui moris erat, habuerat Archiepiscopus ad Concilium citationem.

An. Regni 6. it was provided by Act of Parliament, that over all *England* there should be one *Miles* or *Knight* maintained for the defence of the Kingdom by 9 other *Milites*, who should allow him 2 s. a Day. And in this Parliament it is certain that the Commons of *England*, or the inferiour Feudataries under the Degree of the Nobility, Voted. For so we find in the King's Writ (a) still extant in the Patent Roll of that Year, Rex, &c. Vicecom. &c. Scias quod provisum est communi assensu Archiepiscoporum, Episcoporum, Comitum, & Baronum & omnium Fidelium nostrorum Angliæ, quod, &c.

The Archbishop of *York*, this Year, for opposing the Sheriff of *York* in levying his *Escuage* from his Tenants by Knights-Service, had his *Temporalities* seiz'd; to which he was the same (b) Year restored upon his Submission.

An. 1206. a Parliament was held at *Oxford*, and an *Aid* granted. *Annales de Margan. R. Johannes rediens de Pictaviâ coadunatis Magnatibus terræ apud Oxenford, de assensu eorum cepit 13. partem omnium catellorum hominum totius Angliæ. Pontifices vero & viri Religiosi cujuscunq; professionis essent, omnes indiscrete cum Rege & suis, pro se & hominibus suis pacem fecerunt ut melius potuerunt.* Wikes ad an. 1207. says the K. extorted the 13th part of all the Moveables of his whole Kingdom, as well from the Religious and Secular Clergy, as from the Laity, excepting only the Cistercian Order.

The Annals of *Waverly* ad an. 1207. tell us more particularly, that there was first a Parliament held

(a) Ap. Brady Introdust. p. 181. (b) Pryn's K. John p. 9.
at

at London in the beginning of Jan. in which were present the Bishops, Abbots, Priors, Earls, Barons, and the Great Men of the Kingdom: That the K. required the Bishops and Abbots to permit the Parsons and Beneficed Clergy to give the K. a certain part of their Income. But this they would not consent to. And so the Matter was put off to another Council to be held at Oxford the Candlemas following, where were gathered together an infinite number of the Prelates of the Church, and of the Great Men of the Kingdom. And there the K. renewing his Demand, the Bishops, &c. of both Provinces answered, that it had not been practis'd in former times, and therefore the Church could not comply with him. So the K. thought fit to acquiesce: But afterwards ordained throughout the whole Kingdom, that all Persons, of whatsoever Tenure, should be put to their Oaths concerning the Value of their Goods and Chattels, and should give the 13th part of 'em to the K. for the recovery of Normandy, &c. which he had lost. *R. Johannes post reditum suum à transmarinis, convocatis Episcopis, Abbatibus, & Prioribus, Comitibus, & Baronibus, & Magnatibus Regni celebravit Concilium Londoniis in Octavis Circumcisionis: ibiq; convenit Episcopos & Abbates, ut permitterent personas & beneficiatos Ecclesiarum dare Regi certam summam reddituum suorum. In quod cum non consentirent Prælati Ecclesiarum, data est dilatio usq; ad sequens Concilium celebrandum Droniæ in Octavis Purificationis B. Mariæ, ibiq; congregata infinitâ multitudine Prælatorum Ecclesiæ & Magnatum regni; exegit ab Episcopis & Abbatibus quod prius exegerat ab eis. Sed consilio inito omnes tam Cantuarienses quam Eboracenses METROPOLITÆ unanimiter responderunt Anglicanam Ecclesiam nullo modo sustinere posse, quod ab omnibus seculis prius fuit inauditum. Rex ergo saniori usus consilio exactionem illam penitus relaxavit. Postea*
genera-

generaliter statuit per universum regnum, ut omnes homines de cujuscunq; feudo, jurarent pretium catellorum suorum de immobili & mobili, & de suis darent 13m. partem Regi.—— Ad quam colligendam misit ministros suos per universos Comitatus Angliæ. Ab hac exactione liber fuit Ordo Cisterciensis.

There is extant in the Patent Roll of this Year, viz. 8 Job. a Writ sent out by the K. to the Archdeacons, Officials, and Clergy of the Archbishoprick of Canterbury; by which it appears, that this Tax was laid not by the King's bare Authority, but by the consent of the Bishops, Abbots, Priors, and Great Men of the Kingdom. And from the same Writ it further appears, that they granted it only for themselves, and not for the Inferiour Clergy; and that the Archdeacons and Inferiour Clergy were not in that Parliament. This Writ was afterwards sent to them, to desire an Aid from them.

Rex (a) Archidiacono, Officiali, & toti Clero Archiepiscopatus (b) Cant. Salutein. Notum satis, quod Archiepiscopi, Episcopi, Abbates, Priores, & Magnates Regni nostri auxilium Nobis fecerunt ad defensionem Regni nostri & recuperationem terrarum nostrarum. Ve rum quia de vobis confidimus, quod Nos & Honorem nostrum diligitis, & defensionem regni nostri & recuperationem terrarum nostrarum affectatis, vos rogamus attentius, quatenus tale auxilium Nobis exemplo accepto ex parte vestra faciatis, ut inde vobis gratias dare debeamus. Et quod alii Rectores Ecclesiarum intuitu vestri ad auxilium Nobis faciendum exemplo vestro facilius invitentur: & quantitatem auxilii quod nobis quilibet vestrum facere voluerit, quili-

(a) Ap. Pryn. Parl. Writs Part I. Pref. and agen with some Variations in his Hist. of K. John, p. 10. out of the Pat. Roll, 8 Johan. (b) By Archiepiscopatus Cant. seems to be meant the particular Diocese of Canterbury; and so according to this. Form the Archdeacons, &c. of other Dioceses were sent to: or else it should have been Archidiaconis, Officialibus, &c.

bet vestrum separatim faciat. Ita quod per ipsos in Octabis sanctæ Trinitatis inde possimus testificari. T. m. ap. Ebor. 26. Maii.

At the same time the Clergy being met together at St. *Albans* to consider of granting the Pope a Subsidy, the K sends 'em a Prohibition, dated at *York* the same Day, *May 26.* telling 'em that the *universitas Comitum, Baronum, Militum, & aliorum fidelium nostrorum*, had complain'd to him of that Matter.

An. 1207. he kept his *Christmas* at *Winchester*, *præsentibus Magnatibus regni. Paris and M. Westm.*

The *Candlemas* following he laid so heavy a Tax on both the Clergy and Laity, that the Archbishop of *York* chose rather to leave the Kingdom than to submit to his Tyranny, as *Paris* tells us. So also *Matt. of Westm.* In *Purificatione B. Mariæ*, *tantum de rapinâ cogitans, & ponens spem & brachium in pecuniæ thesauris, cepit per totam Angliam 13^m partem ex omnibus mobilibus, & rebus aliis, tam de Laicis, quam viris aliis Ecclesiasticis, & Prælatiis cunctis murmurantibus, & contradicere non audentibus, &c.* He adds, that the Archbishop of *York*, upon his departure out of *England*, denounced an *Anathema* upon all in general, and especially in his own Province, that were concerned in that *Rapin*.

An. 1208. the K. kept his *Christmas* at *Windsor*, and there distributed many *Festival Robes* to his *Milites*: as I have (a) elsewhere observed. And the same kind of Solemnity there was in the Year 1201. at *Guilford*; and afterwards agen at *Windsor* *an. 1214.*

The same Year, *viz. 1208.* *William de Brause*, with his Wife and Family was forced to fly out of the

(a) Vide supra p. 139, 140.

Realm, after he had offered to make the K. Satisfaction, *secundum iudicium Curia suae & Baronum parium meorum* (a) Idem.

About the middle of the Year 1207 Stephen Langton being chosen Archbishop of Canterbury, against the King's Command, the Prior and Monks of Canterbury, who chose him, were banish'd the Kingdom. The K. seiz'd the Archbishoprick into his Hands, and because the Pope had consecrated him Archbishop, *facta est hoc anno prohibitio D. Regis, ne Placita D. Papae in Angliâ teneantur*, say the *Waverly Annals*. The next Year, the K. peremptorily refusing to admit the new Archbishop, the whole Kingdom was by the Pope put under an Interdict March 24. which lasted above 6 Years. The Bishops and Clergy, obeying the Interdict, all their Possessions were immediately commanded to be seized into the King's Hands: and they on the other side excommunicate all Persons whatsoever who should presume to meddle with the Estates of the Church, excepting none but the Persons of the K. and Queen, and the King's Justice.

An. 1209. all the Free-men of England swear Allegiance to the King. And the K. sends his Nuncios to Canterbury, viz. (b) Bishops, and Earls, and Archdeacons, and Barons, to meet the Bishops of London, Ely, and Worcester, the Executors of the Pope's Mandate. These Bishops there meeting the Magistrates sent from the K. for some Days together they treat *de pace Regni & Sacerdotii*, and Articles were agreed upon, in which the Bishops require a Restitution of all things taken from the Church. That the K. not agreeing to, they gave him some further time to consider of it, resolving, if he did

(a) P. 191. (b) Annal. Waverly p. 191.

not comply, to denounce the Sentence of Excommunication against his own Person. A Meeting is appointed between the K. and the Archbishop at *Chileham*, where there were present *many Great Men*. But the Bishop persisting in the same Demand, nothing was done, and so he retired agen beyond-Sea. The K. seizes into his Hands the Possessions of the *Black Friars* in *Sussex*.

An. 1210. he kept his *Christmas* at *Windsor*, *præsentibus omnibus Angliæ Magnatibus, & communicantibus ei, non obstante sententiâ quâ fuerat innodatus.* (a) *Paris* and *Westm.*

The same Year, under the pretence of recovering *Normandy*, he (a) exacts a vast Sum of Money, as well from the *Clergy* as the *Laity*.

He sends a Letter to the Archbishop, to desire him to meet him at *Dover*, with another Letter from the (b) *Magnates Angliæ*, assuring him of safe Conduct. But the K. coming thither without the Great Men who had writ to that purpose, the Archbishop would not come over to him.

Being to go upon an Expedition into *Ireland*, he demands a Subsidy from the *Cistercian Monks*, as well as the others; which because they would not grant him, he forced from them, so as to compel them to seek a Maintenance from other Monasteries. The Woods belonging to the Archbishoprick he utterly destroyed, so as not to leave a Tree standing.

Being in *Ireland*, as his Father K. *Henry* had done before him, he agen impos'd the Laws and Customs of *England* upon that People, who had lately revolted, and were returned to their old Customs.

(a) *Annals Waverly.* (b) *Ibid.*

Fecit Rex ibidem construere Leges & Consuetudines Anglicanas ponens Vice-comites aliosq; ministros, qui populum regni illius juxta Leges Anglicanas judicarent. (a) Paris.

Returning out of Ireland in Triumph, in Sept. he conven'd all the Prelates in England at London, Abbesses and all, and forc'd 'em to redeem their Privileges with a vast Sum. *Londonias cum festinatione properans, fecit omnes Angliæ Prælatos in suâ præsentia convenire. Venerunt autem ad hanc generalem vocationem, Abbates, Priores, Abbatissæ, Templarii, Hospitalarii, Custodes Villarum Ordinis Cluniacensis, & aliarum regionum transmarinarum, cujuscunq; Dignitatis & Ordinis. Qui omnes ad tam gravem compulsi sunt redemptionem, ac rerum Ecclesiasticarum dilapidationem, quod summa extortæ pecuniæ excrevisse fertur ad centum millia librarum Sterlingorum. Albi quoq; Monachi in regno Angliæ, aliis exceptis. 40000 librarum argenti in hoc tallagio (vellent nollent) cassatis privilegiis Rege persolverunt. Cujus rei seriem si quis plenius prosequeretur; lacrymas excuteret Tyrannorum, & animas audientium perturbaret. Idem.*

An. 1211. he kept his Christmas at York, præsentibus Comitibus & Baronibus regni. Idem.

An. 1212. at the King's request, the Pope sends his Legats Pandulphus and Durandus into England to endeavour to compromise this great Difference. Who in a Convention at Northampton, because the K. refus'd to restore what he had taken away from the Church, Excommunicate him, and absolve all his Subjects from their Obedience.

An. 1213. the French K. being about to invade England by the Pope's Instigation, K. John seeing all things now desperate, and not knowing whom to trust, submits himself to the Pope; and Pandulphus being again sent over hither, at Dover he

(a) p. 192.

reigns his Kingdom of *England* and Dominion of *Ireland* to the Pope, and engages to pay him a yearly Tribute of 1000 Marks for *England*, and 3000 for *Ireland*; and promises withal, to restore what he had taken from the Church.

The *Magnates Angliæ* were to see all this performed. They met there, says (a) *Paris*, on May 13. *cum Comitibus, Baronibus, & turbâ multâ nimis*: and some Articles being agreed upon, they met together again, *cum Proceribus regni* on May 15. and there the Business was compleated. *Matthew* of *West.* and a MS (b) Annalist, tell us, that this Submission was sign'd and sworn to à *multis Comitibus & Baronibus terræ*. The Instrument of his Submission is extant both in *Paris* and in the *Waverly* Annals, but with many Variations. In the *Waverly* Copy the K. declares, that he did it *ad optimum consilium Baronum nostrorum*: So in that of *Paris*; *communi consilio Baronum nostrorum*.

By vertue of this Submission, an. 40. E. 3. the Pope that then was, demanded of the K. Homage for his Dominions, and the Arrearages of Tribute due to him, threatning, that if it were not paid, he was resolv'd to proceed against him. Upon which K. *Edward* call'd a Parliament; and there it was resolv'd, that K. *John* had no power to dispose of his Dominions, or to make 'em Tributary to any one, without the Consent of the *Lords* and *Commons*. Upon which Answer the Pope thought fit to acquiesce. The Record of which Parliament may be seen in Sir *Ed. Coke's* (c) *Institutes*.

(a) P. 197. (b) Lambeth 4to. 160. (c) Institut. 4. p. 13, 14.

The Archbishop and banish'd Bishops being recall'd into *England*, K. *John* at first was very unwilling to see 'em, till the Great Men of the Kingdom, who had entred into the same Engagement with him, compell'd him to it. *Coegerunt eum Comites & Barones*, say the *Waverly Annals*, *dicentes, Quoniam oportet te, O Rex, iussurandum quod Tu & Nos in amnestiam tuam iuravimus, firmiter sine dilatione tenere.* In compliance with them, he went to meet the Archbishop at *Winchester*, and falling down at his Feet, *You are welcome, Father*, says he, and kissed him. And there the Archbishop absolv'd him from the Sentence of Excommunication. In the MS. *Eulogium*, and in another MS. History (a) we are told, that there were then gather'd together at *Winchester* the *Earls, Barons, Knights and Freeholders* (that is, a Parliament) *Adventionem Archiepiscopi in Angliam cognitâ, Rex & Pandulfus, Comites, Barones, Milites, & libere tenentes Wintoniæ, Archiepiscopo in obviam adierunt. Rex visâ facie Episcopi (Archiepiscopi) pronus in terram cecidit, adorans, & dicens; Pater reverende, veniam peto de malis erga te commissis, & in terra nostra bene venemini (venistis) in pace; satisfactionem promittendo.* These are the Words of both those MS. Authors. The *Lambeth History* tells us, that these things were done on *St. Margaret's Day*, an. 1225. It should be, without doubt, 1215. but neither is that true.

The *Eulogium* adds, that the K. promis'd the Bishops at the same time, to observe the Laws of *H. Edward*. *Episcopis redeuntibus, & Rege de eorum adventu audiente, misit ad eos Comites, Barones, & multos regni proceres ad tractandum de pace inter ipsum & ipsos,*

(a) Lambeth fol. Vol. 196.

& Archiepiscopum Stephanum, & Priorem, & Conventum Cant. & omnem Clerum, promittens, omnia spolia restituere, & quod de cætero omnes libertates Ecclesiasticas sustineret, & Statuta S. EDWARDI sine læsione observaret. This was in the Church of Winchester, and M. Paris too mentions the same thing. He swore, says he (a) quod bonas Leges antecessorum suorum, & præcipue Leges EDWARDI R. revocaret, & iniquas destrueret, &c.

Having promis'd to make Restitution to the Clergy, he commands the Sheriffs throughout the whole Kingdom, to send up out of every Village of his Demesns 4 Substantial Men, together with the Præpositus of every such Village, to S. Albans, Aug. 4. that from them, and other Officers, he might find out what the Bishops and Clergy had been dispoil'd of. *Misit Rex literas ad omnes Vice-comites regni Angliæ præcipiens ut de singulis Dominicorum suorum Villis, quatuor legales homines cum Præposito, apud S. Albanum, pridie Nonas Augusti faceret convenire: ut per illos & alios Ministros suos, de damnis singulorum Episcoporum & ablatiis certitudinem inquireret, & quid singulis deberetur.* Thus Paris (b). Who a little after calls this Meeting a Council (or Parliament) and tells us, there were present in it the Bishops and Great Men of the Kingdom: and that there the K. enacted, that the Laws of his Grandfather (it should be his Great-Grandfather) Henry should be observ'd, and all the Laws (such as then were complain'd of) should be laid aside. *Interfuerunt Concilio apud S. Albanum Galfridus filius Petri (the Chief-Justice) & Episcopus Wintoniensis, cum Archiepiscopo, & Episcopis, & Magnatibus regni: ubi cunctis pace Regis denunciata, ex ejusdem Regis parte firmiter præceptum est, quatenus Leges Henrici Avi sui*

(a) p. 201, (b) p. 201.

ab omnibus in Regno custodirentur; & omnes Leges iniquæ penitus enervarentur.

The K. about this time designing to make a Descent into *Poitau*, and being deserted by his *Great Men*, for want of Money, rais'd an Army to make War upon them. Upon this the Archbishop came to him at *Northampton*, and remonstrated to him, that it was against his late Oath to wage War against any one without the *Judgment of his Court*. Which the K. hearing, with great Fury he told the Archbishop, that he would not defer the Affairs of the Kingdom for him, in regard *Lay-Judgments* did not belong to him. The Archbishop follow'd him from thence to *Nottingham*, declaring to him peremptorily, that if he did not desist speedily from his purpose, he would excommunicate any one whatsoever, (excepting Him only) who should bear Arms against any one before the *Interdict* were taken off. So by this he prevailed upon him to desist, and to appoint a Day for the *Barons* to come to his *Curia* to have their Cause heard.

Aug. 25. in a Great Council held at St. Paul's, the severity of the Interdict was a little remitted by the Archbishop. Paris mentions that in that Council the Deans were present. 8. Cal. Sept. conveniunt in Civitate Londoniarum apud S. Paulum, Stephanus Cant. Archiepiscopus, cum Episcopis, Abbatibus, Prioribus, Decanis, & Baronibus regni: Ubi Archiepiscopus indulget tam Ecclesiis Conventualibus, quam Presbyteris secularibus, ut horas Canonicas in Ecclesiis suis, audientibus Parochianis, suppressâ voce cantarent.

The *Waverly Annals* make this an *Ecclesiastical Synod*: and I should not have mention'd it here among the *Parliaments*, had not *Paris* called it a *Colloquium*, which is a usual Name for *Parliaments*.

In this *Colloquium*, as Fame goes (says Paris) the Archbishop having call'd aside some of the *Proceres*, recounted to 'em, how at *Winchester* he had oblig'd the K. to swear, *quod Leges iniquas destrueret, & Leges bonas, viz. Leges Edwardi revocaret, & in regno faceret ab omnibus observari.* And now (says he) there is found a certain Charter of K. Henry I. by which, if you please, you may recover your former *Liberties*. And so producing the Charter, he read it to 'em. Which when the *Barons* had heard, they were all extream glad, and took an Oath in the Archbishop's Presence, that as soon as they had a fit Opportunity, they would contend for those *Liberties*, even, if need were, unto Death. The Archbishop promis'd to assist 'em to the utmost of his Power, and so having engag'd themselves in that *Confederacy Colloquium solutum est.*

The same Year, viz. 1213. Regni 15. a Parliament was held at *Oxford Nov. 1.* to which were summon'd 4 *Knights* for every *Shire*, together with all the *Knights* within the King's *Bailliages*. The Writ of Summons is extant in the *Cloze Rolls* of that Year, out of which it is publish'd by Mr. (a) *Selden* in this odd Form.

Rex Vicecomiti Oxon. Salutem. Præcipimus tibi quod omnes Milites Ballivæ tuæ qui summoniti fuerunt adesse apud Oxoniam ad nos à die Omnium Sanctorum in xv. dies, sine armis singulariter: & iv. discretos Milites de Comitatu tuo illuc venire facias ad nos ad eundem terminum ad loquendum nobiscum de Negotiis Regni nostri. T. m. apud Witten. xi. die Novembris.

Eodem modo scribitur omnibus Vicecomitibus.

(a) *Tit. Hon. p. 170.*

An. 1214. Regni 16. June 15. a Parliament was held at the Temple in London, in which the K. granted the Church a Charter (a) for the free Election of Prelates, *de communi consensu Baronum nostrorum*.

In the MS. *Eulogium* a Parliament is mention'd as held at London July 7. 1214 consisting of all the Clergy and Laity, in which the K. is said to be released from all Homage and Fealty to the Pope. Anno 1214. *Convocatum est Parliamentum Londoniis præsidente Archiepiscopo cum toto Clero, & totâ sectâ Laicali. Per Papæ præceptum illa obligatio præfata, quam Rex Domino Papæ fecerat cum Fidelitate & Homagio relaxatur omnino 7. die Julii. Et in crastino pulsatae sunt Campanæ per totam Civitatem Londoniarum, & infra dies 3. sequentes per totam Angliam Missæ celebrantur.* The very same Words I find in another MS. History (b), in Lambeth Library. But after all, this was nothing but a Council held under Nicholas Bishop of Tusculum the Pope's Legat, in which the Interdict was taken off, which had lain upon the Kingdom above 6 Years. And for that it was (not for any Release of Homage granted by the P. to the K.) that the Bells are said to have rung all over London the next Day: And so (as the Author says) there were Masses said in the Churches throughout all England in 3 Days after.

The Earls and Barons of England, meet together at St. Edmund's, under pretence of paying their Devotions, *ad Colloquium*, to consider what to do to retrieve those Liberties which were granted to the Church and Kingdom by the Laws of K. Edward and K. Henry the First's Charter; and there in the Church of St. Edmund, at the great Altar, they all take an Oath, beginning from the greatest

(a) Extant in Paris p. 201. and agen p. 791. (b) fol. vol. 169. down-

downward, that if the K. would not grant 'em those Laws and Liberties, which are granted by that Charter, they would make War upon him till they had forced him to it; that after *Christmas* they would require him to do it, and in the mean time provide themselves for War. Accordingly after *Christmas* they address themselves to him in a Warlike Equipage, petitioning him to confirm certain Liberties and Laws of K. Edward, with other Liberties granted the Church and Kingdom of England in the Charter of Hen. I. and telling him, that by his Oath which he had took at *Winchester* at his Absolution, he had oblig'd himself to do it. And thus began that famous War which is called the *Barons War*. Both sides prepare themselves for War, the K. being at *Oxford*, and the *Barons* advancing to *Brackly*; he sends the Archbishop with other Lords to 'em, to know what those Laws and Liberties were which they claimed; They send him a Schedule containing for the most part, says *Paris*, the ancient Laws and Customs of the Kengdom; which when the K. had heard read, with great Indignation, And why, says he, together with those Exactions do they not require the Kingdom? They are vain superstitious things which they desire, and that have not the least shew of Reason: swearing wical, that he would never grant them such Liberties, as would make himself a Servant. The K. being soon after so forsaken by all the Great Men, as to have scarce 7 Horsemen to attend him, finds it necessary at last to comply. So he sends to the *Barons*, and a Day is appointed, *June 15.* for a Colloquium to be held in the open Field between *Stanes* and *Windfor*. The K. there appeared with the Archbishop of *Canterbury*, and other Bishops, and some few Lords, who seem'd outwardly to take his part. On the *Barons* side appeared *totâ Angliæ nobilitas in unum collecta*, the K. finding that

that their Power was much too great for him, subscribed their Charter without any difficulty. The whole being too big for one Schedule, it was therefore divided, as *Paris* says, into 2 Charters, whereof the latter is called the Charter of the *Forest*. Both of 'em are extant in (a) *Paris*, where the latter is subscribed in these Words: *Data per manum nostram in prato quod vocatur Riningemade, inter Stanes & Windeleshores, 15. die Junii, an. r. n. 17.*

In a very ancient MS. of (b) *Lambeth Library*, it is all contained in one Charter; and it differs (c) very much from that in *Paris*: and is in some Parts evidently truer. The Subscription is the same; only for *Riningemade*, it has *Kunemedede*. Concerning which place I remember I have spoken (d) elsewhere.

In the *Cotton Library* and at *Salisbury* there are 2 Originals (e) of K. *John's* Charter, which agree with

(a) P. 215. (b) 4to. 47. (c) From the beginning to those Words in *Paris*, p. 217. lin. 51. (edit. 1684.) sunt propter forestam, there is no great difference. But after that to p. 219. l. 28 it differs very much. From thence to the end it is the same; only that which is said in *Paris*, p. 219. l. 59, &c. concerning the *Castellans* of *Northampton*, &c, the MS. has not at all. And that which follows concerning the removing the Strangers, it has in another place. And in *Paris's* Copy it is certainly misplac'd. The MS. speaks only of removing 'em from their Baillyships, not of banishing 'em. The MS. has. Nos non faciemus Justicios, Constabularios Vicecomites, vel Baillivos, nisi de talibus qui sciant Legem regni, & eam bene velint observare: which (I think) is wanting in *Paris*. Agen, the MS. speaks of Inquisition to be made about the Forests in every County per 12 Milites juratos de eodem Comitatu, qui debent eligi per probos homines ejusdem comitatus: this too is wanting in *Paris*. (d) Vide supra p. 34. (e) Mr. *Selden T. H.* p. 714. says, K. *John's* Charter is extant in the MS. *Histories of Reg. VVendover* and Th. *Rudborne*: which Copies can be no other than that in M. *Paris*. For as *Paris* transcribes *Wendover*, so *Rudborne* follow'd *Paris*.

the *Lambeth* Copy, comprehending both Charters in one as that does.

The K. not only sign'd it, but swore to it, and in the Charter it self 25 *Barons* are appointed to be chosen by the whole *Baronage*, to take care, and that upon Oath, to see it well observed. To any 4 of which, any one might complain of any Breach of it, and they were to admonish the K. of it; and if the Grievance were not redress'd within 40 Days after, then those 4 *Barons* were to refer the Matter to the rest of the 25. For whom it was lawful, together with the *Commons* of the Land (*cum communâ totius terræ*) to take Possession of the King's Castles and Possessions, and to oppress him all manner of ways they could, saving only his Person, and the Persons of his Queen and his Children, till according to their Will the thing were amended. And all Persons are allowed on such an occasion to take an Oath of Fidelity to the *Barons*. The Names of the 25 *Barons* who were nominated for this Trust, may be seen in *Paris* (a); who also reckons up a great many Lords who took an Oath to obey the Commands of these 25.

A Confirmation of this Charter was procured from the Pope by the K. the Great Men, and the Prelates. And the K. sent his Letters Patents to all the Sheriffs of *England*, commanding 'em to oblige all Men within their Jurisdictions, of whatsoever Condition, to swear, that they would observe these *Laws*, and, if need were, compel the K. to observe 'em.

The MS. *Eulogium*, and, in the same Words, another MS. History in (b) *Lambeth* Library, give

(a) P. 220. (b) Fol. 169.

this account of that Matter : *Eodem anno (1215.) Comes Cestrie Radulfus Regem increpavit quod violaverat tot filias & uxores nobilium procerum regni sui & maxime quia Leges & Statuta, quas S. Edwardus ordinaverat, omnino dirimebat. Pro qua re Regem à regno privare cogitavit. Quia omnes regni Proceres coram Legato Pandulpho jurati fuerunt ad Regi obfistendum, nisi jura & statuta confirmaret & sustineret.*

In that Charter, amongst other things it is decreed, that the *Common-Pleas* should not follow the Court, but should be stationary in one certain place : That *Itinerant Justices* should be sent thro' every County once a Year, to hold *Affizes* in each County, together with the *Knights* of the respective Counties; and those things which they could not determine in the proper Counties, should be determin'd in some other place in their Circuit; and if any such Difficulty should arise, as they could not at all determine, it should be referred to the *Justices of the (Kings) Bench*. That *Earls* and *Barons* should not be *amerced* but by their Peers: That no Tax should be rais'd without the consent of Parliament, excepting only for the Redemption of the King's Person (if need were) or for Knighting his eldest Son, or for the Marriage of his eldest Daughter. In either of these 3 Cases he might levy a Tax, but a reasonable one, by his own bare Authority. That if on other occasions he wanted a Subsidy, the *Archbishops, Bishops, Abbots, Earls, and greater Barons* should be summon'd singly by different *Writs*; and all others in general who held of the K. in *Capite*, should be summon'd by the *Sheriffs and Bailliffs*; to meet at a certain Day and Place; and that this Summons should be issued out 40 Days at least before the time of meeting; and in the Writ of Summons, the Cause of their being summon'd should

should be specified : and that at the time appointed the Business should proceed, tho' all that had been summon'd were not then met together. And because not only the K. but his Great Men had used to Tax their Subjects at pleasure, it was also provided, that no one whatsoever should tax his *free Tenents*, except only in those 3 Cases above-mention'd. I shall produce the Words of the Charter, as they lie in the *Lambeth Copy*, which, as I said, is very ancient, and as old, I believe, as *M. Paris's* own time. But in this part which relates to Parliaments, all Copies agree so as to have no material difference.

Nullum scutagium vel auxilium (a) ponatur in regno nostro, nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum, vel primogenitum filium nostrum Militem faciendum, & ad filiam nostram primogenitam semel maritandam. Et ad hoc non fiet nisi rationabile auxilium. Simili modo fiat de auxiliis de Civitate Londinensi. Et Civitas London : habeat omnes antiquas libertates & liberas consuetudines suas, tam per terras quam per aquas. Præterea volumus & concedimus, quod omnes alie Civitates & Burgi & Villæ (b) & Portus habeant omnes libertates & liberas consuetudines suas, & ad habendum commune Consilium Regni de (c) auxilio assidendo, aliter quam in 3. casibus prædictis (d), vel de scutagio assidendo. Summoneri faciemus Archiepiscopos & Episcopos, Abbates, Comites, & majores Barones sigillatim per literas nostras. Præterea summoneri faciemus in generali per Vicecomites & Bailivos nostros omnes (a) illos qui de nobis tenent in Ca,

(a) Paris; ponam. (b) Ibid. & Barones de 5. Portubus & omnes Portus. (c) Ibid. auxiliis assidendis. (d) Ibid. & de scutagiis assidendis summoneri faciemus : Which is the truer Reading. (e) Ibid. alios.

Church, to all his Barons and Officers (a): *Wilhelmus Gyffardus D. G. Wynt. Episcopus, omnibus Baronibus & Ministris suis Francis & Anglis salutem.* The Barons of the K. and of the Archbishop are mention'd by *Ernulfus de rebus Ecclesiæ Roffensis* (b) in the Account of the *Placitum* of *Winenden* held under the Conqueror: *Huic Placito interfuerunt — & alii multi Barones Regis & ipsius Archiepiscopi, atq; illorum Episcoporum homines multi.* But perhaps it may be thought, that *Archiepiscopi* has respect rather to *homines*, than to *Barones*. However, the bare mentioning the *Barones Regis*, is a sufficient intimation that there were *Barones aliorum*. *Gervase* seems to mention not only the Barons of the Archbishop, and his Knights, but also his Earls: Speaking of Archbishop *Lanfranc's* retrieving the Lands of the Archbishoprick (c), *Ab antiquis temporibus* (says he) *assignauerunt nescio qui Archiepiscopi villas & redditus Conuentui sufficientes, cæteris sibi pacifice retentis. Sibi etiam reseruauerunt Comites, Barones, & Milites, Monachis vero assignauerunt rusticos & agricultores.* But these were the King's Earls, who held also certain Lands belonging to the Archbishoprick. So the Earls of Kent in those Days held the Castle of *Tunbridge* of the Archbishop. *Hugh* Earl of *Chester* in his Charter (d) to the Abby of that Place, *an. 1093. Hæc sunt dona data Abbatie S. Werburgæ, quæ omnia ego Comes Hugo, & Richardus filius, & Ermintrudis Comitissa, & mei Barones, & mei homines dedimus. — Ego Comes Hugo, & mei Barones confirmauimus ista omnia coram Anselmo Archiepiscopo, &c.* In the History (e) of that Abby, it is said, that the same Earl and his Countess *constituerunt, ut singuli Barones &*

(a) Ap. Rudborne Hist. VVint. p. 279. (b) 335. (c) Col. 1311. (d) Monast. Tom. I. p. 202. (e) Ibid. p. 201.

Milites darent Deo & S. Werburgæ post obitum suum sua corpora, & tertiam partem totius substantiæ suæ. Et non solum hæc constituerunt de Baronibus, & Militibus, sed etiam de Burgensibus & aliis hominibus liberis suis. A Charter granted by Ralph Earl of Chester an. 1217. to his Subjects, extant in a MS. Volume of (a) Lambeth Library, begins thus: *Ranulphus Comes Cestræ, Constabularibus, Dapiferis, Justiciariis, Vice-comitibus, Baronibus, & Baillis, & omnibus servis & amicis suis, præsentibus & futuris, præsentem cartam inspecturis & auditoris salutem. Sciatis me Cruce signatum, pro amore Dei & ad petitionem Baronum meorum Cestræ concessisse eis & heredibus suis de me & heredibus meis omnes libertates in præsentī cartâ scriptas, &c.* The Barons of Robert Fitz-Hammon, Earl of Gloucester, are mention'd in a Charter (b) of Hen. I. to the Abby of Abington: *Sicut designatum fuit per Barones ipsius Roberti.* And Henry de Novo Burgo Earl of Warwick, gave certain Lands lying in Warwickshire to the same Monastery, in the presence of his Barons, as the Grant says Two of those Barons are there mention'd; one of which, viz. Thurstan de Montfort (c), is recorded to have held 10 Knights Fees under William Earl of Warwick, Henry's Grandson. In that Collection of Laws, which goes under the Name of Henry I. the Barons of the King are distinguished from other Barons: (d) *Si quis Baronum Regis vel aliorum Comitatu secundum Legem interfuit, &c.* That the great Subjects had their Tenants also in Capite, as well as the K. I find in M. Paris (e), who mentions a certain Knight who was a Tenant in Capite to the Monastery of St. Albans. And something of this kind,

(a) 4to. 175. f. 296. b. (b) Monast. Tom. 1. p. 106.
 (c) Dugdale's Warwickshire f. 303. (d) C. 6. (e) p. 678,
 ad an. 1250.

jura & hæreditates suas, cum omnibus (a) libertatibus ante petitis, as Paris says.

But before that, he had granted the Liberties which they desired by a Charter in Parliament, as appears by this Writ Recorded in the Rolls : † *Rex Vice-comiti Wigorn. salutem: Precipimus tibi quod die & loco Comitatus tuo legi facias Cartas libertatum quas Baronibus & omnibus aliis de Regno nostro, per Commune Concilium Regni nostri concessimus, & quas D. Legatus Sigillo suo confirmavit, & Libertates in Cartâ ipsâ contentas, omnibus fidelibus nostris firmiter facias observari in Ballivâ tuâ. Quia vero nondum sigillum habuimus, easdem processu Temporis de majori Concilio proprio sigillo signaturi. Teste Comite (the Earl of Pembroke, Protector of the Realm) apud Certesy 23. die Junii. The Agreement between the K. and Prince Lewis is dated in September following: Neither is there any mention there of granting the *Libertates petitiæ*, but only in general, that as well those who had adhered to the Prince, as others, should enjoy the *rectæ Consuetudines & Libertates Regni Angliæ*.*

At the same time, he granted the same Charter to his Subjects of Ireland, under the Seals of the Legat and the Protector, because the K. as being under Age, had no Seal of his own. A Copy of the Charter is still preserv'd in the *Red Book* of the *Exchequer* at Dublin; out of which it is published by Pryn in his (b) *Remarks upon the Lord Coke's 4th Instit.* and is the same, *mutatis mutandis*, with our present *Magna Charta*. The Writ with which it was sent over, is still upon (c) Record with us in the Tower, where also that to England is mention'd as granted the same time, viz. *sexto Februarii*. But how

(a) Paris p. 252. (b) p. 250, (c) Rot. Pat. 1 H. 3. m. 13. † Cl. 1. H. 3. m. 10. Dorso.

the *Dublin Copy* came to be dated at *Bristol Nov. 12.* unless by the mistake of the Copyer, cannot easily be accounted for.

In the 2d Year of his Reign, he agen confirm'd these Charters to the *English*, as appears from divers ancient Copies Dated *anno r. n. secundo* : Of which Date I have seen 2 Copies in *Lambeth Library* (a), and another in the Hands of my worthy Friend Mr. *Anstis* of the *Temple*. And several others are to be met with. The Great Charter begins thus : *Henricus, &c. Sciatis quod nos intuitu Dei & pro salute animæ nostræ & animarum Antecessorum & Successorum nostrorum, ad exaltationem sanctæ Ecclesiæ & emendationem Regni nostri spontaneâ & bonâ voluntate nostrâ dedimus, concessimus, & hac præsentî cartâ nostrâ confirmavimus pro nobis & Hæredibus nostris in perpetuum de consilio venerabilis Patris nostri Guallonis tit. S. Martini Presbyteri Cardinalis, & Apostolicæ Sedis Legati, D. Walteri Ebor. Archiepiscopi F. Lond. Episcopi, & aliorum Episcoporum Angliæ, Willielmi Marechalli Com. Penbroke Rectoris nostri & Regni nostri, & aliorum fidelium Comitum & Baronum nostrorum Angliæ has libertates subscriptas, tenend. in Regno nostro Angliæ in perpetuum, &c.* Ends thus : *Pro hac autem donatione & concessione Libertatum istarum & aliarum contentarum in Cartâ nostrâ de Libertatibus Forestæ, Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, & libere tenentes, & omnes de Regno nostro dederunt nobis quintam decimam partem omnium bonorum suorum mobilium. Concessimus etiam eisdem pro nobis & Hæredibus nostris quod nec nos nec Hæredes nostri aliquid præquiremus per quod Libertates prædictæ in hac Cartâ contentæ infringantur vel infirmentur. Et si de aliquo aliquid contra hoc perquisitum fuerit, nihil valeat & pro nihil habeatur. Testibus prænominatis & multis aliis. Dat. per manum venerabilis*

(a) fol. 166, & 169.

Patris Domini R. Dunelmensis Episcopi, Cancellarii nostri, apud S. Paulum Lond. sexto die Novembris Anno ut supra.

The worthy Mr. Tyrrel, whose History it was not my good Fortune to consult till I had brought these *Annals* down to the beginning of this Reign, in one place (a) tells us of the Charter made by H. 3. in the 1st Year of his Reign, and to prove that he granted one that Year, produces the Authority of the Writ which was sent out that Year to the Sheriff of *Worcestershire*, for the publishing of it in the County Court, But in another place (b) he produces the same Writ to prove that there was one granted in his 2d Year; which Writ he there says is dated *June 23. in the 2d Year of his Reign.* But as the *Writ* lies in his *Appendix* (and in the *Record* it self, from whence I transcrib'd it) there is no mention at all of the Year of the King's Reign; and he himself cites for it the *Close Roll* of the *first* of H. 3. How these things agree, he himself will be pleas'd to consider.

We are beholden to the same worthy Gentleman, amongst many other things, for a Collation (c) of the *Original Charters* of K. *John*, which are in the *Cotton Library*, and in the *Archives* of the *Dean and Chapter* of *Salisbury*, with those extant in *M. Paris*. But he does not seem to have observed that in those *Originals*, and in the *Lambeth Copy*, both Charters are united (tho' with great Variations) and comprehended in one. He seems also to intimate, that there is extant a *Copy* of the *Charter of the Forests*, as it was granted or confirmed by K. H. 3. in the *first Year* of his Reign; when he says in his Ap-

(a) Vol. 2. p. 828. (b) p. 1104. (c) Append. Vol. 2. p. 9.

pendix (a) that *Nulla invenitur Charta Originalis Chartæ de Forestâ R. Johannis, nec aliud exemplar antiquius anno primo R. Henrici III.* He should have said *anno secundo*. For neither of the Charters granted to the *English* in the first Year of his Reign, are any where to be found. These things I mention with all due Respect to him, and for no other end but that they may be further considered by him.

The Confirmation of *M. Charta* in the 2d Year of this Reign, I find mention'd in the MS. *Eulogium* : *Non prætereundum est Parliamentum Londoniis tentum 2do Regis anno, in quo confirmata est Carta Patris sui, quam Comitibus, & Baronibus, & toti Communitati Angliæ concesserat in le Rowemedede juxta Stanes. Pro qua confirmatione concessi sunt Regi de toto populo Anglicano de qualibet carucata terræ (11) solidi in subsidium Regis nominati.*

The final Agreement between the K. and Prince Lewis of France, was made in an Island near *Bins-ton*, *convenientibus in unum Gualone Legato cum Episcopis, & Clero, & Populo, & Gulihelmo Mareſchallo, Rectore Regis & Regni tunc existente; as M. Paris tells us, ad an. 1217.*

An. 1220. Regni 4. and Aid of 2 s. for every Caruc of Land was granted by all the Magnates and Fideles of the Kingdom, to be levy'd by the Sheriff and 2 Knights of each County, who were be chosen in the County-Court by the whole County. The Demeasns of the Bishops, &c. were not taxed. The King's Writ to the Sheriff of Northampton, and according to that Form to all the Sheriffs of England, is extant in the Close Roll of

this Year (a). *Conceſſerunt nobis ſui gratiâ communiter omnes Magnates & Fideles totius regni noſtri Donum nobis faciendum——per manum tuam & duorum de legalioribus Militibus Comitatus tui colligend. qui de voluntate & conſilio omnium de Comitatu in pleno Comitatu eligentur ad hoc faciendum. Et ideo tibi præcipimus——quatinus convocato Comitatu eligi facias duos de legalioribus Militibus totius Comitatus, qui melius ſciant velint & poſſint huic negotio ad commodum noſtrum intendere. Et illi tecum aſſumptis ſtatim donum illud per totam Bailliam tuam facias aſſideri & colligi——Exceptis Dominicis Archiepiſcoporum & Ruſticorum ſuorum, & exceptis Dominicis Ordinis Ciſtercenſis & de Premuſtr. Et videas quod diſtrictè & aperte ſcias nobis reſpondere in craſtino S. Michaelis prox. iſtantis apud Lond. quot fuerint in Bailliam tuâ Carucæ.——Et Denarios inde provenientes per manus prædictorum 2. Militum & tuam ſalvo colligi facias venire uſq; Lond. prædicto die ſub ſigillo tuo & ſigillis prædictorum 2. Militum in domo Novi Templi ſalvo reponi donec proviſum fuerit quid fieri debeat, &c.* He threatens to ſend ſome Officers of his own into the ſeveral Counties to ſee if the Collections were rightly made, and to puniſh the Sheriffs and Knights who were to make the Collection, if they were found negligent. Dated at Oxford Auguſt 9. The learned Author of the (b) *Rights of Convocations*, tells us out of this Record, that the Sheriffs and Knights were ordered to appear in Parliament, and give up their Accounts. But that the Writ does not ſay.

The ſame Year, which was 1220. on *Whitſunday*, the K. was Crown'd at *Weſtminſter*: *Præſentibus D.*

(a) Clauſ. 4. H. 3. m. 5. dorf. published by Dr. Brady in the Appendix to his *Introd.* p. 41. (b) p. 309.

Pandulpho Legato, & Episcopis, Prælatiſ, Comitibus, Baronibus, & Majoribus Angliæ. — M. Weſtm. — Of the ſame Convention I find this Account in the ancient MS. Chronicle of Dunſtable. *An. 1220. die Pentecoſtes Henricus R. Angliæ apud Weſtm. ſolempniter coronatus eſt, præſentibus P. Legato & S. Cant. Archiepiſcopo Miſſam celebrante & Sermonem ad populum faciente, præſentibus etiam multis Episcopis, Comitibus, Baronibus, Abbatibus, Prioribus, & aliis quorum non erat numerus. Non eſt viſa diebus noſtris major ſolempnitas ante tempus memoratum. Judæi vero in Turri Lond. ſervabantur interim ad cautelam. Eboracenſis autem Archiepiſcopus non interfuit, forte præ rubore non potuit, quia Crucem ante ſe deferre extra Dioceſin ſuam tunc ei interdictum fuit.*

The ſame Year an Aid was granted the K. by the Laity only: But the Biſhops gathered a voluntary Contribution from the Abbots and Priors. Mention'd in the ſame MS. Chronicle: *An. 1220. menſe Sept. poſitum Caruagium per totum Regnum ad opus D. Regis, à quo Archiepiſcopi & Episcopii & omnes Clerici, & omnes viri Religioſi & eorum ruſtici quieti fuerunt. Veruntamen Episcopii per ſuas Dioceſes collegerunt auxilium ad opus D. Regis ab Abbatibus, & Prioribus per liberam voluntatem eorum, & tunc Domus de Dunſtable ſolvit 3. marcas.*

An. 1221. at Chriſtmas he held his Curia at Oxford, præſentibus Comitibus & Baronibus regni, as (a) Paris ſays: cum ſuis Magnatibus, ſays Weſtm.

The ſame Year a Rebellion breaking out (b). *conven- venerunt Magnates Angliæ ad Regem apud Weſtm. ut de negotiis regni tractarent.*

(a) p. 261. (b) Paris p. *ibid.*

An. 1222. in the beginning of the 7th Year of his Reign, a Tax was granted for an Aid to the K. of Jerusalem, *coram nobis & Consilio nostro presentibus Archiepiscopo Cant, Episcopis, Comitibus, Baronibus, & Magnatibus nostris, de communi omnium voluntate*; as the Writ says which was sent out for the collecting of it (a) extant in the Close Roll of that Year, and Dated Nov. 24. The Annals of Waverly ad an. *Concessit Rex de totâ Angliâ, per consilium D. Stephani Cant. Archiepiscopi, & aliorum Magnatum terræ, in subsidium Terræ sanctæ*—— Sed concessio ista parum aut nihil profuit, quia cito post contradietum est, & ad effectum minime perductum.

An. 1223. the Great Men of England granted the K. the Wards of Heirs and Lands, as we are told in a MS. Chronicle in (b) Lambeth Library: An. D. 1223. *Magnates Angliæ concesserunt Regi Wardas hæredum & terrarum, quod fuit initium multorum malorum in Angliâ. Et cito post hæc R. Henricus cepit 15m. denarium per totam Angliam.*

The same Year, in the Octav. of Epiphany, the K. coming to London from Oxford, cum Baronibus ad Colloquium, was requir'd (says Paris) by the Archbishop of Canterbury, and other Great Men, to confirm the Liberties and free Customs, for which a War had been rais'd against his Father. And this the Archbishop told him he could not decline doing, he and all the Nobility of the Realm having sworn, in the Agreement made with the Dauphin, that they would observe all those Liberties, and command 'em to be observed by all. To this one of the King's Counsellors made answer, that the Liberties which they desired, ought not to be observed, because they had been extorted by violence: Which the Archbishop hearing, took him

(a) Published by Dr. Brady, Append. Introduet. p. 45. (b) 4to 62.

up very short, and told him, that if he loved the K. he would not obstruct the Peace of the Kingdom. The K. seeing the Archbishop in a Passion, said of his of own accord : *We have sworn to observe these Liberties, and we are all bound to it ; and what we have sworn to, let us observe.* And so forthwith, having taken Counsel about it, he wrote to all the Sheriffs of the Kingdom, that they should empanel 12. Knights, or *legales homines* in every County, to give an account upon Oath, what were the Liberties used in England in the time of his Grandfather K. Hen. II. and should send up an account to him within 15 Days after Easter. By this Account it appears, that M. Paris knew nothing of the Confirmation of the Charters in the *first* and *second* Years of this Reign. The same Writer adds, that about this time, it was objected to the K. by the Dauphin, now K. of France, that the Liberties of the Kingdom, for which a War had been rais'd, and which were granted upon Oath upon his retiring out of England, were so far from being observ'd, *quod non solum illæ leges pessimæ ad statum pristinum sunt reductæ, sed & illis nequiores per totum regnum Angliæ sunt generaliter constitutæ.* The same Account we have in M. of Westm. but out of Paris.

An. 1224. he kept his Christmas at Northampton, where, the Earl of Chester being in Arms against him, the Archbishop of Canterbury and his Suffragans (a) Excommunicated, with lighted Candles, all such as disturbed the Peace of the Kingdom. An. 1223. (says the MS. Chronicle of Dunstaple) *Natali Domini venit Rex Northamptonam, & cum eo D. Cant. Archiepiscopus, & tot Episcopi & Comites, &*

(a) p. 269.

Barones, & Milites armati, quod nec in diebus Patris sui nec postea dinoscitur tale festum in Angliâ celebratum.

Agē, the same Year, in the Octaves of the Holy Trinity, there came together at Northampton (b) ad Colloquium, Rex cum Archiepiscopis, Episcopis, Comitibus, Baronibus, & aliis multis, de regni negotiis tractaturi, the K. having a mind to treat with his Magnates about a War with France. And there the Archbishop of Canterbury, and all the Bishops denounced an Anathema against Falcasius who had seized one of the Itinerant Judges. It was done, as Paris says in another place (c) by the Archbishop and Bishops, cum Abbatibus & aliis Prælatibus. There also a Subsidy was granted tam à Prælatibus quam à Laicis. and the K. granted the Magnates a Scutage, viz. 2 Marks Sterling for every Scutum. In the MS. Dunstaple Chron. it is said that the Bishops and Abbots granting the K. there a Subsidy for the making Machines for the besieging the Castle of Bedford, the K. gave 'em a Charter to secure 'em, that it should not be drawn into Custom. An. 1224. in Octavis Pentecost. dum Rex cum Clero & Baronibus regni apud Northampton de succursu Pictaviæ tractaret Willielmus de Breauce de assensu Falkasii fratris sui cepit Henricum de Braibroc tunc Justiciarium D. Regis in Banco, & in Castro Bedeford detinuit in prisona. Quod Rex graviter ferens, suspensio Pictaviæ succursu, obsedit Bedefordiam, in cujus auxilium venit Cant. Archiepiscopus cum Episcopis & Abbatibus Suffraganeis, & insuper concesserunt ei Caruagium scil. dimidium Marcæ de singulis carucis Dominicis, & 2. sol. de singulis carucis tenentium suorum, & in operarios de singulis hydis ad machinas exercendas: sed ne hoc traheretur alias in servitutem, D. Rex fecit eis Cartas de futuri temporis immunitate.

(a) Paris ibid. (b) p. 271.

An. 1225. he kept his *Christmas* at *Westminster*, *præsentibus Clero & Populo cum Magnatibus regionis* (a), where *Hubert de Burgo* Chief-Justice, demanded a Subsidy in the King's Name *coram Archiepiscopis, Episcopis, Comitibus, Baronibus, & aliis universis*. To which the Archbishop, & *concio tota Episcoporum, Comitum, Baronum, Abbatum, & Priorum, habitâ deliberatione*, answer'd, That they would willingly comply with the King's desire, *si illis diu petitas libertates concedere voluisset*. The K. consented, and Charters being forthwith drawn up and seal'd with the King's Seal, were sent into every County of England; and to those Provinces which were concern'd with the Forests, two Charters were directed, one *de libertatibus communibus*, the other *de libertatibus Forestæ*.

Then a Day was appointed between *Easter* and *Whitsunday*, for the chusing 12 Knights or *Legales homines* out of every County, who should distinguish the new Forests from the old, that all such as were made since the beginning of *Hen. II.* might be *Disforested*.

So the Council broke up, and the K. by his Letters commanded that all should be obliged by an Oath to observe both Charters. These are the Charters which are in use to this Day. They are not extant in any Record of this the King's 9th Year, but in the *Roll* of 28 E. 1. by whom they were confirm'd. But in divers MS. Collections they are to be found without K. *Edward's* Confirmation, as also in some of our Histories, as in *Hemingford* (b) and the (c) *Annals of Burton*. *Hemingford* tells us, they were granted *de consilio Magnatum suorum, & Cleri, & populi*. If we will believe *M. Paris*, they are altogether the same with those of K. *John*. *Ista-*

(a) p. 272. (b) p. 564. (c) p. 271.

rum tenor Chartarum superius habetur expressius ; ubi historia agitur de R. Johanne : Ita quod Chartæ utrorumq; Regum in NULLO inveniuntur dissimiles. But this shews that he never compar'd 'em with those of K. John. For tho' for the most part they are the same, yet they differ in many things ; particularly all that which relates to the Members of Parliament, above produced out of K. John's Charter, is here omitted, as it is also in that of the 2d Year of this Reign. Among the Witnesses of those Charters of the King's 9th Year, in *Rastals* Edition, *Boniface* Archb. of *Cant.* is mention'd, whereas it ought to be *Stephen*, as it is in the *Tower Roll* in K. *Edward's* Confirmation, and likewise in the *Annals of Burton*. In which Copy all the Witnesses, which amount to a great number, are express'd by name. In *Pulton's* Edition, the Letter S. is rightly put for the Archbishop's Name. In *Rastal's* the Great Charter is Dated at *Westminster* Febr. 10. an. r. n. nono, but in *Hemingford* and the *Burton Annals*, Feb. xi. In the former of which, for apud *Westm.* it is apud *Westlondoniam*, and the Date of the *Charta de Foresta*, is not the same Day with the other, but Febr. 16.

In a MS. of *Lambeth Library* (a) after the two Charters, follow *Consuetudines & ipsæ de Foresta* : Which are also there entitled, *Affisa de Foresta*.

In the Collections of our ancient Laws, which are extant in that Library, besides the 2 Copies of of the Charters granted the 2d Year of *H. III.* there are 2 other (b) Copies of his Charters without any Date; and another included in K. *Edward's* *Inspeximus*.

The Words which I cited above out of the Great Charter of 2 *H. III.* wherein it is said, that the

(a) 4to. 105. (b) 4to. 26, & 175.

Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders, & omnes de Regno dederunt, &c. are found likewise in the Great Charter of this Year. Where by *dederunt*, Dr. Brady (a) understands paid, not granted. But that Conjecture appears to be false from this consideration, that the Charters were drawn up in the Parliament it self, wherein the Subsidy was granted, and seal'd long before the Money could be paid. Yet it cannot be suppos'd that *omnes de regno* were present in that Parliament so as to grant the Subsidy in their own Persons: But they did it either *per se*, or by their Representatives.

The MS. Chronicle of *Dunstable* gives this Account of the King's granting the Charters at this time: *An. 1225. generali Colloquio Londoniis celebrato, petiit Rex à Baronibus suis pro regni defensione auxilium generale. Barones vero vice versà Libertates quasdam exigunt à Rege Johanne concessas & ab ipso postmodum Rege confirmatas, licet nondum, Balivis impediētibz, servatas. Post multas vero sententiarum revolutiones, communiter placuit, quod Rex tam populo quam plebi Libertates prius ab eo puero concessas, jam major factus indulset. Et vice versà Archiepiscopi, Episcopi, Comites, Barones, & Viri Religiosi ipsi Regi in tanto discrimine quintam decimam mobilium suorum liberaliter concesserunt. Quod quia Clerici seculares non admiserunt, impetravit Rex literas D. Papæ ad Clerum Angliæ generales de auxilio competenti ei concedendo secundum Beneficiorum suorum facultates.*

Knyghton (b) tells us, that the K. granted these Charters to his Magnates, and that therefore the Commons, or the Community, of England, gave him a Subsidy. *Rex H. concessit Magnatibus terræ An-*

(a) *Introduct.* p. 125. (b) *Col.* 2429.

glia duas Cartas.—Ob quam causam Communes Regni concesserunt 15m partem omnium bonorum suorum mobilium & immobilium. Matthew of Westm. (a) says it was *ab Angliâ totâ concessum*.

There is extant in the (b) Patent Roll of this Year, a Writ directed to 6 Persons, whom the K. assigns to be his *Justices* for the assessing and collecting the *Fifteenth*, granted on this occasion, in the Counties of Nottingham and Dereby. And the manner of assessing and collecting it, is order'd to be thus: The Sheriff of Nottingham and Derby was to summon all the Knights of the 2 Counties to Nottingham before the 6 *Justices* on the Sunday before Midlent, and the *Justices* were to see that 4 *legales Milites* (or more or less according to the bigness of the Hundreds or Wapentaks) were chosen out of every Hundred or Wapentak to assess and collect in their respective Divisions.

In a MS. Vol. of Lambeth (c) Library, just before K. Henry's *Charta de Foresta*, I find another Charter of his, *De Forestâ*, entitled, *Confirmatio R. H. de Forestâ & libertatibus Lancastriæ*. It's a Confirmation, or *Inspeximus*, of a Charter of Forests granted by K. John to the Honor of Lancaster.

The March following (d) *convenerunt apud Westm. ad Colloquium Rex cum Magnatibus suis*: where by the Decree of the K. and the Proceres, *Falscius* was banish'd. He was condemn'd (e) *ab omni Clero & Populo Regni, per judicium Curie sue*.

A Month after Easter, according to the King's appointment (f), 12 *Milites* were appointed for every

(a) An. 1227. for he there means the same Tax. (b) Pat. 9. H. 3. M. 7. Dorso. publish'd by Dr. Brady Append. Introd. p. 44. (c) 4to. 175. f. 408. b. (d) Paris p. 273. (e) p. 274. (f) p. 273.

County wherein were any *Forests*, to determine the Bounds of 'em, and what ought to be disforested. And so the Liberties of *Charta de Foresta* were every where enjoy'd, but not long.

An. 1226. he kept his *Christmas* at *Winchester* (a), *præsentibus quibusdam Episcopis & Magnatibus multis*.

The same Year, the K. having a great desire to sail over into *France* to make War there, having receiv'd an Inhibition from the Pope (b), *convocatis Consiliariis suis* consulted with 'em what course he ought to take; & *placuit Prælatibus & Magnatibus universis*, that the Expedition should be defer'd.

An. 1227. in *Febr.* (c) he call'd a Council at *Oxford*, where being come to Age, he discard'd his Tutors and Governours, and cancell'd and made void all the Charters *de libertatibus Forestæ*, which had been sent throughout the Kingdom, and had been enjoy'd 2 Years, upon this pretence, that they had been granted in his *Nonage* when he was under the direction of Tutors, and was not at his own Disposal: Which occasion'd great Murmurings and Discontents.

In *July* Richard Earl of *Cornwal* the King's Brother, appeal'd to the (d) *judicium Curie & Magnatum regni*, about a Mannor which another would have dispossest'd him of, and the K. requiring him either to give up the Mannor, or to leave the Kingdom, he answer'd, that he would do neither the one nor the other *sine judicio Parium suorum*.

The *Barons* took this occasion to require the K. to restore the *Charter de Foresta*, which he had lately cancell'd; and siding with the Earl, sent the K. word, that if he did not restore the Charter (e),

(a) 267. (b) p. 283. & M. West. (c) p. 284. (d) Ibid. they

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they would compel him to it with their Swords in their Hands. Upon this a Parliament was summon'd to meet at Northampton 3. Non. Aug. But nothing was done relating to the Charter, only the K. was reconciled to the Earl his Brother.

An. 1228. at Christmas he held his Curia at Oxford (a), *presentibus Magnatibus regni.*

This Year the K. promis'd the Pope the Tenth of all Moveables for an Aid against the Emperor Frederick, and Stephen the Pope's Chaplain and Nuncio being sent over to collect it (b) *fecit Rex convenire apud Westm. Dominica quâ cantatur Misericordia Domini, Archiepiscopos, Episcopos, Abbates, Priores, Templarios, Hospitalarios, Comites, Barones, Ecclesiarum Rectores, & qui de se tenebant in Capite, ad locum præfixum & diem, ut audirent negotia memorata, & de rerum exigentiis communiter tractarent ibidem. Omnibus ergo congregatis tam Laicis quam Clericis, & eorum subiectis, the Pope's Letter was read to 'em, and the Earls, and Barons, and all the Laity refused to comply with the Demand, declaring, that they would not subject their Baronies and Lay-Possessions to the Pope's Exactions. But the Bishops, Abbots, and Priors, & alii Ecclesiarum Prælati, after 3 or 4 Days Debate upon the Matter, consented for fear of Excommunication. The Earl of Chester would not suffer it to be gathered upon the Clergy within his Jurisdiction.*

'Tis very probable that by *Ecclesiarum Rectores* in this place, are meant the Parochial Rectors or Parsons, in which the Deans and Archdeacons seem to be comprehended, there being none among them but what were possess'd of some Rectory.

(a) p. 297. (b) p. 305. |

An. 12 $\frac{2}{3}$ °. he kept his Christmas at York together with the K. of Scots (a), *præsente Archiepiscopo Civitatis, cum Comitibus, Baronibus, Militibus, & familiâ magna nimis.* The Historian calls this a *Concio*.

The same Year, viz. 12 $\frac{2}{3}$ °. was made the Statute of Ireland, which is extant in the Body of our Laws; dated at Westminster Febr. 9. Regni 14. It seems to have been made by the King's bare Authority: And therefore we command you, that you cause the foresaid Customs that be used within our Realm of England in this Case, to be proclaimed throughout our Dominion of Ireland, and to be straitly kept and observed.

An. 123 $\frac{1}{4}$ °. Jan. 25. (b) *convenerunt ad Colloquium apud Westm. Rex cum Prelatis & aliis Magnatibus regni.* Where the K. demanded a Scutage of all that held Baronies, as well Laicks as Prelates. But Richard Archbishop of Canterbury, and some of the Bishops with him, boldly oppos'd it, alledging, that Ecclesiastical Persons are not obliged to submit to the Judg- of Laicks, in regard that without them the Clergy gave lately an Aid to the Pope. After great Debates, the Business as far as it concern'd the dissenting Prelates, was put off to 15 Days after Easter: and all the Laity, and a great part of the Clergy consented to the Tax.

The Historian says nothing of their meeting again after Easter according to appointment. But by the Patent Roll of this Year, which was Regni 15. I find they not only met at that time, but, what is very remarkable, even the Abbesses and Prioresses themselves were present in that Parliament, it being a Convention for the granting a Subsidy. In

(a) p. 307. cum Magnatibus terræ nonnullis, says VVestm.
(b) p. 310.

that Roll (a) a Charter is recorded, by which the K. secures 'em from having this Grant made a Precedent.

Rex omnibus, &c. salutem. Cum peteremus à Prælatiſ Angliæ quod nobis Auxilium facerent — viz. Epiſcopis, Abbatibus, Abbatiffis, Prioribus, & Prioriſſis qui de nobis tenent in Capite, ipſi nobis liberaliter conceſſerunt Auxilium tale ſcil. ſingulis feodis Militum ſuorum 40 ſol. de tot feodis de quot ipſi tenentur nobis reſpondere quando faciunt nobis ſervitium Militare. Et nos conceſſimus eiſdem Prælatiſ quod ad prædictum Auxilium nobis faciendum habeant de ſingulis feodis Militum quæ de eiſ tenentur 40 s. Nos igitur nolentes quod ex hac eorum conceſſione, &c. — Apud Weſtm. 14. Apr. an. r. n. 15. Haſ literas habeant ſinguli Prælati tam Epiſcopi quam Abbates, Priores, Abbiſſe, & Prioriſſe.

The ſame Year, 16 Cal. Jan. habitum eſt apud S. Albanum ingens Conſiſtorium Abbatum, Priorum, Archidiaconorum, cum fere totâ Nobilitate Regni Magiſtrorum & Clericorum: qui omnes ad hoc conveniunt per mandatum D. Papæ ut celebrarent di-vortium inter Comitiffam Eſſexiæ, & virum ſuum, ſi ratio id dictaret. In craſtino Conſiſtorio ſoluto, &c (a) M. Paris. But this was no Parliament, and the Biſhops, it ſeems, were not there.

An 1232. Non. Martii (b), convenerant ad Colloquium apud Weſt. ad vocationem Regis Magnates Angliæ, tam Laici, quam Prælati: where the K. demanding a Subſidy, the Laity reſuſed to give it, and ſo with the King's leave went home. The Prelates (who ſeem to have ſtaid after the Laity were gone) alledg'd that many of the Biſhops and

(a) Pat. 15. H. 3. m. 3, ap. Brady Append. Introd. p. 42.
(b) p. 313. (c) Paris p. 314.

Abbots, who were summon'd, were not present, and therefore they desired a further time, that all might come together. So another time was appointed, viz. 15 Days after *Easter*: When doubtless they met, though the Historian says nothing of it.

The same Year, Sept. 14. there met at *Lambeth* (at *Kenington*, the King's Mansion-House at *Lambeth*) (a) *ad Colloquium coram Rege, Episcopi, & alii Ecclesiarum Prælati, cum Proceribus regni*: where a Subsidy was granted by the Bishops, Abbots, Priors, Clergy, and Laity. *Annales Waverl. ad an. 1232. Rex Anglorum accepit ab Archiepiscopis, Episcopis, Abbatibus, Prioribus & Clericis terras habentibus quæ ad Ecclesias suas non pertinebant, Comitibus, Baronibus, Militibus, Liberis hominibus, & Villanis de regno Angliæ in auxilium, &c.* In the Writ (b) which was sent out for the collecting of it, it is said, *Sciatis, quod Archiepiscopi, Episcopi, Abbates, Priores & Clerici terras habentes quæ ad Ecclesias suas non pertinent: Comites, Barones, Milites, liberi homines, & Villani de regno nostro concesserunt, &c.* In what manner, and by whom it should be assess'd, the Parliament it self determin'd, as may be seen in the Writ; which is extant both in *M. Paris* and in the *Cloſe Roll* 16. H. 3. M. 2. Dors. By *Clerici terras habentes quæ ad Ecclesias suas non pertinent*, Dr. Brady (c) understands such Clerks as had Mannors and Free or Military Fees belonging to their Benefices, that held of the K. in *Capite*, the Fee whereof was in the Crown, and uot in the Church, and these, says he, came as *Tenants in Capite*. But the Words seem too general for such an Interpretation. I am rather

(a) p. 318. (b) p. 321. (c) *Introduct.* p. 220.

of their Opinion, who understand the inferiour Landed Clergymen, who contributed to this Aid not as Clergymen, but on the account of their private Possessions.

An. 1233. (a) *Rex missis literis suis, vocavit omnes de regno Comites & Barones ad Colloquium, ut venirent apud Oxonium ad festum S. Johannis.* But they refused to come at his command, as well for fear of the *Foreigners*, who bore all the sway about the K. and were then a great Offence to the Nation, as because they were disoblig'd by the King's entertaining 'em, and encouraging 'em beyond his own Barons. Enraged at their refusing to come, the K. consults what ought to be done to compell 'em: And it was resolv'd *per judicium*, that they should be summon'd a 2d and a 3d time. But a Fryar that preach'd before the K. in this *Colloquium* telling him, that there could be no Peace in the Kingdom till the Bishop of *Winchester*, prime Minister of State, and his Kinsman or Son, *Peter de Rivallis*, were removed from his Person; and some Bishops that were there present, seconding the Preacher, the K. began to bethink himself, and sent to the *Magnates* to come to a *Colloquium* at *Westminster* 5. Id. Jul. and there by their Counsel would amend, whatsoever was to be amended. But they still suspecting some Treachery, refused to come, declaring, that if he did not discard the Bishop of *Winchester* and his *Foreigners*, *de communi consilio totius regni*, they would drive both him and them out of the Kingdom, and chuse 'em a new K.

He requires all the Great Men to meet at *Westminster* Aug 1. and to bring with 'em Pledges for their good Behaviour. The *Earls* and *Barons* come to the *Colloquium* on that Day appointed, and in a Warlike Equipage. But nothing was there done

(a) p. 325.

by reason of the absence of some of the Chief of 'em. Then he summon'd *all the Magnates* of the Kingdom to meet him with *Horse and Arms* at *Glocester*; which many of 'em refusing to do, the K. commanded 'em to be proclaim'd *Banish'd*, and *proscribed* their Estates, as the Historian observes, *absq; judicio Curiae & Parium suorum*.

He calls a (a) *Colloquium*, or Parliament, at *Westminster* on the *Sunday* after *Mich.* with an intent to correct such things as were amiss in the Government; but nothing was done. There the *Preaching* Fryars exhorted him to be reconciled to his Barons, whom *without the Judgment of their Peers* he had banish'd. The Bishop of *Winchester* replied, that the *Peers in England* are not as the *Peers in France*; and therefore they might be condemn'd by the King's Justices. The Bishops hearing this, with one Voice declared, that they would Excommunicate the King's Principal Counsellors. And they actually denounced an Anathema against all that should counsel the K. against his own natural Subjects, and so disturb the Kingdom.

An. 1234. (b) at *Candlemas* (b) a *Colloquium* was held at *Westminster*, where the K. reprehending some of the Bishops, for their too much familiarity with the Earl *Mareschal* then in Arms against him, the Bishop of *Chester* array'd in his *Pontificalibus* Excommunicated all such as falsly accused the Bishops to the King. *Edmund* Archbishop Elect of *Canterbury* with his Suffragans, endeavouring to persuade the K. to take right Measures, at the same time threatened to proceed by Ecclesiastical Censure both against himself and all his Adherents if he did not do it.

(a) p. 328, 9. (b) p. 333.

In April another (a) *Colloquium* was held at *Westminster*, *cum Comitibus & Baronibus*. And there agen the Archbishop of Canterbury, and the Bishops his Suffragans, tell the K. to his Face, that if he did not alter his Course, they would certainly Excommunicate him. Upon which at last the K. is prevail'd upon to discard his evil Confessors, and to send the Foreigners into their own Country.

The Earl *Mareschal*, though in Arms against the K. denies that he is guilty of Treason, because the K. had proscribed him unjustly (b) *sine judicio Parium meorum*.

The same Year, on the Sunday after *Ascension-day*, in a *Colloquium* (c) held at *Glocester*, the disinherited Barons were restored to the King's Favour, by the means of the Archbishop and Bishops. *In conventu Episcoporum, Comitum pariter ac Baronum*.

The same Year, according to *Wikes*, *Rex fecit talliari omnes Civitates, & Burgos, & Maneria sua propria per totam Angliam*.

An. 1235. the Emperor *Frederick* demanding *Isabel* the King's Sister in Marriage; the K. about the end of *Febr.* (d) consulted about that Matter for 3 Days together *cum Episcopis & Regni Magnatibus*. And for her Marriage (e) *Rex cepit Carucagium*.

There is extant in the *Cloſe Roll* of this Year, which was *Regni 19.* a Writ to the Sheriff of *Somerset*, Dated *July 17.* for the levying a Subsidy granted at that time in Parliament (f). *Scias quod Comites, & Barones & omnes alii de toto Regno nostro Angliæ, spontaneâ voluntate suâ, & sine Consuet. concesserunt nobis efficax Auxilium ad magna negotia nostra*

(a) p. 335. (b) p. 336. (c) p. 340, 341. (d) p. 349. (e) p. 352. (f) *Claus. 19. H. 3. M. 6. Dorſo, published by Brady Append. Introd. p. 43.*

expedienda. It was provided by the Parliament, that it should be collected by their own Baillives in every County, and by them paid in to 2 Knights whom the K. should appoint in every County to bring it to the Exchequer. *Et ideo tibi præcipimus quod ad mandatum omnium Comitum, & Baronum & omnium aliorum, qui de nobis tenent in Capite in Ballivâ prædictâ modo prædicto sine dilatione distringas omnes Milites & libere tenentes qui de eis tenent per servitium Militare in Ballivâ suâ ad reddendum Ballivis suis, &c.* Another Writ sent out about the same Business to the Sheriff of *Suffex*, and extant in the same Roll (a) tells us more particularly of whom that Parliament consisted: *Scias quod Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, & omnes alii de Regno nostro Angliæ qui de nobis tenent in Capite concesserunt, &c.—* Ideo tibi præcipimus quod ad mandatum venerabilis Patris R. Cicestrensis Episcopi Cancellarii nostri sine dilatione distringas omnes Milites & libere tenentes qui de eo tenent per servitium Militare in Ballivâ tuâ ad reddendum, &c. ——— Sic scribitur pro aliis Episcopis, Abbatibus, Prioribus, & Magnatibus.

In July the K. sends a Writ (b) to the Sheriff of Oxfordshire, *quod omnes Abbates & Priores de Comitatu qui non tenent de Rege in Capite, per servitium Militare, cujuscunq; sint Ordinis præter Ordinem Cisterciensem & Præmonstratensem, venire faciat coram Rege apud Wudestock in crast. S. Mariæ Magd. ad loquendum cum Rege de negotiis suis, quæ eis habet exponenda.* This was for a Subsidy or Contribution.

(a) M. 8. Dorf. ap. Brady ibid. p. 44. (b) Cl. 19. H. 3. M. 7. Dorso ap. Priu. Eccl. Jurisd. Tom. 3. p. 12.

This Year (a) came the *Decretals* of P. Gregory IX. into England, he having commanded that they should be read and divulged throughout the whole World. Whereupon the K. issued out his Writ, forbidding 'em to be receiv'd here, or to be read upon in any of the Schools. *Mandatum est Majori & Vicecomitibus Lond.* (says the (b) Close Roll of this Year) *quod clamari faciant & firmiter prohiberi, ne aliquis Scolas regens, de Legibus in eadem Civitate de cetero ibidem Leges doceat, & si aliquis fuerit hujusmodi Scolas regens, ipsum sine dilatione cessare faciant.* T. Rege apud Basing. 11. Dec. The Lord Coke (c) is certainly mistaken, when he tells us, that this Writ was issued out against the Reading upon *Magna Charta* and *Charta de Foresta*.

An. 1235. Regni 20. Jan. 23. the Parliament of Merton was held, wherein were made certain Laws still in force, with this Preface: *It was provided in the Court of our Lord the K. holden at Merton, the Morrow after the Feast of S. Vincent, &c. before Will. Archbishop of Canterbury, and other his Bishops and Suffragans, and before the greater part of the Earls and Barons of England, there being assembled for the Coronation of the said K. and Alianor the Queen, about which they were call'd: where (d) it was treated for the Commonwealth of the Realm upon the Articles under-written. Thus it was provided and granted, as well of the foresaid Archbishops, Bishops, Earls and Barons, as of the K. himself and others, &c.* Thus it is in the Body of our Statutes; where *William Archbishop of Can-*

(a) Paris p. 352. (b) Prin. Eccl. Jurisd. Tom. 3. p. 86.
 (c) Praef. 2. Instit. in M. Chartam. (d) The Latin MS. Copies have not ubi but cum.

terbury is fallſly put for *Edmund*. The Latin MSS. Copies which I have ſeen, do not mention the Archbiſhop's name at all. In other things, 3 (a) ancient Copies in *Lambeth Library* agree with the Engliſh Print ; only in them it is, *coram majori parte Comitum, Baronum, & Magnatum Angliæ* : and in one of 'em (b) all relating to the Coronation is omitted. In another Copy (c) of the ſame Library, as ancient as any of the other, if not older, it is only thus : *Coram Archiepiſcopo Cant : & Episcopis Suffraganeis, & coram majori parte Comitum & Baronum Angliæ, pro communi utilitate Regni, tam à prædictis Archiepiſcopo, Episcopis, Comitibus, Baronibus, quam ab ipſo Rege conſeſſum*. In the Copy which is extant in the *Burton Annals* the *Curia* is ſaid to be held *coram D. Rege, & coram venerabili Patre D. Edmundo Cant. Arch. & Coepiſcopis ſuis & coram majori parte Comitum & Baronum noſtrorum Angliæ*. — *proviſum fuit tam à prædicto Archiepiſcopo, Episcopis, Comitibus, Baronibus, quam à nobis, & conſeſſum, quod de cætero iſti Articuli teneantur in Regno noſtro Angliæ*. In all theſe MSS. they are ſtiled the *Proviſions of Merton*. In another (d) of the ſame Library, in which there is no Preface or Title, at the end of 'em it is ſaid : *Proviſiones ſunt de Merton, quas vocant Aſſiſam vel Dictum de Merton. Quæ quidem Proviſiones proviſæ & conſtitutæ ſunt in craſt. S Vincentii anno Regni ejuſdem H. R. XXI*. In all the other Copies it is *anno regni xx*. *M. Paris* who has given us a Copy of theſe Statutes, without the uſual Preface, ſays thus much of 'em : (e) *Diebus etiam eiſdem, R. Henricus III. pro ſalute animæ ſuæ, & emendatione regni ſui ; ſpiritu ductus juſtitie & pietatis, quaſdam novas leges conſtituit ;*

(a) Fol. 166. 26. 4to. 105. (b) Fol. 166. (c) Fol. 179. (d) 4to. 175. (e) p. 356.

& constitutas per regnum suum inviolabiliter jussit observari. Knyghton (a) says, that the K. de consilio Magnatorum suorum Statuta de Werton ordinavit, in regno Angliæ perpetuis temporibus observanda.

The same Year (b), iv. Cal. Maii, congregati sunt Magnates Angliæ Londini ad Colloquium. On the first Day the K. retired to the Tower, where he would have had the Parliament meet; but they refused to meet there for fear of Treachety; upon this he came to his Palace, where in Parliament he displaced all the Sheriffs of England, and put others more sufficient and of greater Quality in their places. There also a Tax was granted, as appears from the King's (c) Writ still extant Dat. May 4. in which the Archbishops, Bishops, Abbots, Priors & alia Ecclesiastica Personæ de Regno are said to have granted it.

VI. Id. Junii (d) congregati sunt apud Wintoniam Magnates Angliæ; where he endeavour'd by vertue of the Pope's Bull to make void some things which he had formerly granted, upon pretence that he ought not to have granted 'em without the Pope's leave.

The same Year he went to York by the Advice of his Magnates, (e) ut consilio fultus majorum regni he might establish a Peace with the K. of Scotland.

An. 1237. (f) Regni xxi. tenuit Rex Curiam suam ad Natale apud Wintoniam. Misit autem continuo per omnes fines Angliæ scripta Regalia, præcipiens omnibus ad Regnum Angliæ spectantibus, viz. Archiepiscopis, Epis-

(a) Col 2439. (b) Paris p. 362. (c) Ap. Pryn. Eccl. Jurisd Tom. 2. p. 475. ex Pat. 20. H. 3. m. 8. (d) p. 364. (e) p. 365. (f) p. 367.

copis, Abbatibus, & Prioribus installatis, Comitibus & Baronibus, ut omnes sine omissione in Octavis Epiphaniæ Londoniis convenirent, Regia negotia tractaturi totum Regnum contingentia. Thither came on Hilary Day *infinita Nobilium multitudo, scil. Regni totalis universitas.* There a Subsidy being demanded, and the Parliament scrupling to grant it, and taxing him with having procured a Bull from the Pope to dispense with his Oath which he had given 'em for the observation of *Magna Charta*, &c. he utterly denied it. And voluntarily and of his own accord promis'd to observe inviolably from that time forward the Liberties of *Magna Charta*, &c. and because he seem'd to be in some measure obnoxious to the Anathema denounc'd by Archbishop *Langton* and the Bishops, by having in part violated those Liberties, he caus'd the same Sentence of Excommunication to be denounced against all the Opposers and Violators of 'em. Which was done in *Westminster-Hall ab omnibus Prælati Angliæ*, as *Wikes* tells us. Upon this they immediately granted him his Request. *Paris* observes that they went aside from the K. in *locum seorsum secretiorem* to consult about it. They ordered that 4 sufficient Knights with one Clerk, to be added to them in every County by the K. should gather the Tax, and reposit the Money in some Abby, Church, or Castle, that if the K. went back from his Promise, it might be restored to every one agen. *Consentientibus igitur primum Archiepiscopo Cant. cum suis Episcopis & Clero; sub hac conditione concessa est Regi tricesima Mobilium regni; ab omni Prælato, secundum tenementum Baronie suæ; & Milite; per totum regnum generaliter colligendum.* And in the Condition of the Grant it was often repeated, that he should discard the Foreigners and adhere to the Counsels of his natural Subjects. The Writ that was issued out for the collecting

lecting of it, is still extant in the *Cloſe Rolls*, and the Persons by whom it was granted are there (a) ſaid to be the *Archbishops, Biſhops, Priors, Earls, Barons, Knights, Free-holders, and Landed Clergymen*. The *Earls, Barons, Knights, and Free-holders*, are ſaid to grant it for themſelves and for their *Villains*. *Rex Vic. Kanc. Salutem: Scias quod cum in Octavis S. Hillarii an. &c. 21. ad mandatum noſtrum convenirent apud Weſtm. Archiepiſcopi, Epiſcopi, Abbates, Priores, Com. & Barones totius Regni noſtri, ut tractatum haberent nobiſcum de ſtatu noſtro & Regni noſtri iidem Archiepiſcopi, Epiſcopi, Abbates, Priores, & Clerici terras habentes, quæ ad Eccleſias ſuas non pertinent, Commiſſes, Barones, Milites & Liberi homines, pro ſe & ſuis Villanis nobis conceſſerunt in auxilium 30m. partem omnium Mobilium ſuorum, &c,*

In the ſame Parliament the K. gave 'em a *Charter*, confirming now at his full Age the Charters which he had granted in his younger Years: Which Charter of Confirmation is extant in (b) *Hemington*, and in the *Charter Roll* of this Year in the *Tower*, out of which (c) *Pryn* has tranſcribed it. In the *Tower-Roll* it is added: *Conſimilem Cartam habent Archiepiſcopi, Epiſcopi, Abbates, Priores, Comites, Barones, & omnes alii de Comitatu Suthanton.*

In the *Cloſe Roll* of the ſame Year M 22. *Dorſo*, we have a *Writ* (d) directed to the *Archbishops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and Freemen of Ireland*; in which an Aid is deſired of them: and that his *fideles Angliæ* had granted him one, is there mention'd. By another *Writ* (e) extant in the ſame *Roll* directed to the *Cities, Boroughs,*

(a) 21 H. 3. m. 7. *Dorſ.* ap. *Brady Introd.* p. 221. (b) p. 570. (c) *Eccl. Jurisd.* Tom. 3. p. 64. (d) Published by Dr. *Brady Introd.* p. 94. (e) *Ibid.* p. 95.

and Tenants of his *Demeasus* (*Dominicis suis*) in Ireland, he lets 'em know, that he had commanded his *Iusticiary* of Ireland, *quod tallagium super vos, assideri faciat ad opus nostrum, sicut Civitates, Burgos, & Dominica nostra in Regno nostro (Angliæ) talliari fecimus, & inde vobis mandamus quod eidem Iusticiario nostro ad hoc intendentes sitis & respondentes.*

In the Articles of Grievances, which the Clergy presented this Year to the *Legat*, petitioning him to interpose with the K. for the Redress of 'em, it is said, that *ad instantiam D. Regis, & de assensu suo & omnium Prælatorum & Magnatum Angliæ & in præsentia eorum*, the Sentence of Excommunication was denounc'd against all the Violators of *Magna Charta*, &c. meaning (as it seems) the Sentence of Excommunication denounced, not this same Year, but formerly. The Articles are extant in the *Annals* of *Burton* (a); where it is said, that the *Archbishops, Bishops, and Clergy*, presented this Petition to the *Legat*: in this present Parliament, as is probable.

M. Paris (a) mentions another *Thirtieth* granted to the K. the same Year in *Colloquio ad quod etiam Nobiles convocaverat*, but with great difficulty and murmuring against his Male-Administration. I suspect it to be the same Tax: tho' mention'd in different places. For other Instances of that kind I have observ'd in that Writer.

The same Year (b) *scripsit Rex omnibus Magnatibus suis, ut coram eo & D. Legato (Othone) in festo exaltationis S. Crucis (Sept. 14.) apud Eboracum convenirent, de arduis negotiis regnum contingentibus tractaturi*: where the K. of Scots was present, and a Peace was there made up between the 2 Kings.

(a) p. 290. (b) p. 376. (c) p. 377.

This Yeaar, Regni 21. a Law was made at *Westm. consilio fidelium nostrorum*, concerning the Leap-year. Which is extant in the Body of our Statutes.

An. 1238. the K. having married his Sister to *Simon Montfort*, his Brother the Earl of Cornwall re-sents it highly, because it was done *eo nesciente, vel assensu Magnatum terræ non interveniente*: and deservedly says the Historian (c), *præsertim cum Rex, sæpius perjurasset se nil arduum facturum nisi de consilio naturalium hominum suorum, & præcipue ipsius*. This occasion'd an Insurrection; and to pacifie his Subjects, a Parliament was call'd in the beginning of Lent. On the Day appointed (a) *convenerunt Magnates Londini*, but with Horse and Arms, for fear of Treachery. There, after many Debates, the K. took an Oath to be govern'd by a certain number of *grave Men* that should be appointed for that purpose.

An. 1239. the Great Men of England, to whom belong'd the Patronage of Church Livings, being wrong'd by Papal Provisions, the (b) *Earls, Barons, & alii Magnates Angliæ* write to the Pope to represent their Grievances to him. The Pope writes back to the Earl of Cornwall & *Baronibus Angliæ*. And in a Letter to his Legat he mentions a Complaint made to him by the K. & *nobiles viri Comites & Barones Angliæ*.

An. 12 $\frac{1}{4}$. (c) *In Octavis Epiphaniæ congregati sunt Londini Archiepiscopi & Episcopi, cum multis aliis Magnatibus, præsentè etiam Legato, &c.* The Bishops there exhibited 30 Articles against the K. relating to the violation of *Magna Charta*, which, as they alledge,

(a) p. 394. (b) p. 395. (c) p. 460. (d) p. 459.

he had so often sworn to, and, holding a Taper in his Hand, had join'd with them in the Excommunication of all the Violators of it, by throwing the Taper down on the Ground.

An. 124^o. (a) tenuit Rex Curiam apud Westm. ubi Magnates Regni quamplurimi festa cum eo Natalitia celebrarunt.

An. 124ⁱ. (b) scripsit Rex omnibus suis Angliæ Magnatibus, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, & Baronibus, districte præciens ut omnes generaliter Londinum, die Martis proxima ante Purif. B. Virg. convenirent, de arduis negotiis Regni dilationem non capientibus, cum summâ deliberatione tractaturi. —

Imminente vero Purificatione B. Virg. totius Angliæ Nobilitas, tam Prælatorum, quam Comitum, & Baronum, secundum Regium præceptum, est Londini congregata.

There they all agreed together, under the pain of an Anathema, not to give the K. any thing towards his War with France, as he desired. And an Instrument was there drawn up, which begins thus :

Cum D. Ebor. Archiepiscopus & omnes Episcopi Angliæ, Abbates, & Priores, per se vel per Procuratores suos, necnon & omnes Comites, & fere omnes Barones Angliæ ad mandatum D. Regis convenissent ap. Westm. die Martis prox. ante Purif. &c. — Tandem dicti Episcopi, Abbates, & Priores, Comites, & Barones, magno inter eos tractatu præhabito, &c. The Writ by which the Archbishop of York was call'd to this Parliament is still preserv'd in the Close Roll (c) of this Year :

Henricus, &c. ven. in Chr. Patri Waltero Ebor. Arch. salutem. Mandamus vobis rogantes quatinus sicut nos, & honorem nostrum pariter & vestrum dili-

(a) p. 289. (b) p. 514. (c) Cl. 26 H. 3. m. 13. Dorso, ap. Seld. T. H. p. 717. & Brady Introd. p. 87,

gitis & in fide quâ nobis tenemini, omnibus aliis negotiis omiffis fitis ad nos apud London à die S. Hillarii in 15. dies ad tractandum nobiscum, una cum cæteris Magnatibus nostris quos similiter fecimus convocari, de arduis negotiis nostris statum nostrum & totius Regni nostri specialiter tangentibus, & hoc nullatenus omittatis. T. m. apud Windlesoram 14. die Decemb.

Eodem modo scribitur omnibus Episcopis, Abbatibus, Comitibus, & Baronibus.

After that (a), Scutagium per totam Angliam Rex sibi fecit extorqueri.

An. 1243 (b) the K. returning out of France into England, commanded it to be proclaim'd all over the Kingdom, ut ex qualibet Civitate vel Burgo 4 Cives vel Burgenses honorabiliores obviam ei procederent in vestibus pretiosis & equis desiderabilibus. His design in this, was to get Presents from 'em. An. 1242. (says the MS. Chronicle of Dunstaple) per iridium ante Festum S. Mich. applicuit Rex in Angliâ, & ad mandatum suum præmissum occurrerunt ei omnes Magnates Angliæ, viz. Archiepiscopi, Episcopi, Comites, Vice-comites, Barones, Abbates, Priores, Milites, & Vavasores, jocalia ei & munera multa deferentes.

An. 1244. (c) coram Rege in communi Colloquio Baronum Londini, the Emperor's Envoy beseeched the K. and the Barons, that they would not permit any Subsidy to be levied either upon the Clergy, or the Laity, for the use of the Pope against the Emperor.

Eodem anno (d) convenerant (this could be no other but the same Council) Regiâ submonitione convocati Londinum Magnates totius Regni, Archiepiscopi, Episcopi, Abbates, Priores, Comites, & Barones. The

(a) P. 527. (b) 53. (c) P. 549. 565. (d) P. 563.

Parliament met in *Westminster-hall*, and the K. there desiring an Aid, they all went out of the Hall, and the *Archbishops, Bishops, Abbots, and Priors* went aside by themselves to treat of it. Then sent to the *Earls and Barons*, to know if they would be pleas'd to agree unanimously with them : who answer'd, that *sine communi universitate nihil facerent*. Then by common consent a Committee was appointed to meet, consisting of 4 Bishops, 4 Earls ; & *ex parte Baronum* 2 Lay-Barons, and 2 Abbots. These 12 were to draw up certain Articles, to be agreed to by the whole Parliament. So Articles were form'd and laid before the K. by which it was provided, that *Magna Charta*, &c. should be better observed, and a new one should be granted, with a solemn Excommunication against all Transgressors of it : That the K. should be directed in all things by 4 of the Nobility to be chosen by common consent : That the *Chief-Justice* and the *Chancellor* should be constituted *per solennem & universalem omnium convocationem, & liberum assensum*, that there should be chosen 2 Justices of the *Bench*, and 2 *Barons* of the *Exchequer* should be constituted, &c. The K. not yielding to their Request, lest he should seem to do a *new thing* by compulsion, they gave him 3 Weeks to *Candlemas*, to consider of it, promising, that if by that time he would of himself appoint such *Counsellors* as should *jura regni tractare* to their Satisfaction, they would give him a Subsidy, but so as that it should be dispos'd of by the above-mention'd Committee of 12. When the K. could not otherwise prevail with the *Prelats*, he produc'd a Bull from the Pope, exhorting 'em to comply with him. But neither would that do. The Council had lasted 6 Days, and on the last of it *recedentibus Magnatibus*, he solicited the *Prelats* one by one, to meet agen the next Day. Accord-

cordingly they met in the *Infirmariy*, or *St. John the Evangelist's Chapel*; and the K. sent first certain Great Men to 'em, and afterwards came himself. But neither could that prevail. They resolv'd to adjourn the whole Matter till *Candlemas*. The K. came agen to 'em and desired, that they would stay one Day longer, designing in that time to tamper with 'em singly. But being aware of his Design, they all broke up, and next Morning early went towards their own homes. *Et murmurante Rege, solutum est Concilium.*

At *Candlemas* they met agen, the *Magnates cum Prælatiſ generaliter*, ſays *M. Paris* (a), who alſo tells us, that there were there 3 *Proctors* for vacant Biſhopricks, ſent up by the Chapters: *Affuerunt etiam illic quorundam abſentium Procuratores, viz. Cantuarienſis & Ebor. Archiepiſcoporum, triumq; Sedium Episcopaliſ tunc vacantium ex parte Capituliſ, &c.* Where the K. both in Perſon, and by ſolemn Meſſengers, promis'd to obſerve the Liberties, which he had ſworn to at his Coronation, and for which he had given 'em a Charter. And that they might be the better obſerv'd, he deſir'd that every Biſhop in his particular Dioceſe, would denounce an Excommunication both againſt himſelf and all others, who ſhould in any reſpect act in violation of thoſe Liberties. Upon this they granted him, to marry his eldeſt Daughter, 20 ſ. for every *Scutum* upon all that held of him in *Capite*.

An. 1244. (ſays the MS. Chron. of the Priory of *Dunſtaple*) *Rex petit auxilium tam à Clero quam à Magnatibus & Populo. Omnes vero de eo tenentes per ſervitium Militare, conceſſerunt ei auxilium, ſcil. ad Scu-*

(a) p. 566.

*tagium 20. sol. ad filiam suam primogenitam maritan-
dam : hoc facto misit nuncios suos per totam Angliam ad
viros Religiosos qui nihil tenebant de eo per servitium Mi-
litare, petens ab eis auxilium quidem & obtinuit : & tunc
solvimus Nos 100. solidos anno sequente.*

The same Year, all the Barons that held of the K. in Capite, as well Clergy as Laity, were sum-
mon'd to appear in a Warlike Equipage at New-Ca-
stle, to assist the K. against the Scots (b). *Congregata
igitur Universitate totius Angliæ Nobilium apud mura-
tum Castrum, tractatum est diligenter super tam arduo
negotio, Concilio habito circa Assumptionem B. Mariæ di-
ligentissimo.* There matters were compromised be-
tween the 2 Kings.

The Morrow after *All Souls* (a) the Magnates
Angliæ being conven'd, and an Aid demanded a-
gainst the *Welsh*, they absolutely refused to grant a-
ny, even to his Face.

An. 1245 (b) the K. finding by a diligent En-
quiry made throughout every County, that the
yearly Income of *Italians* preferr'd by the Pop'es
Provisions here in *England*, amounted to 60000
Marks, which was more than the Revenue of the
Crown, began at last to be awaken'd, and having
call'd a Parliament, an Epistle was drawn up *per
Regni universitatem*, setting forth the Pope's execra-
ble Extorsions, and sent to the Council of *Lions*,
by way of complaint, by some of the Nobility,
and one Clergyman, *nomine totius Universitatis Regni
Angliæ* : And one was sent *ex parte Universitatis Reg-
ni* to the Pope's Nuncio to command him to be
gone out of *England*. The *Procuratores Anglicane
universitatis* produced the Epistle in the Council;
which begins thus: *Reverendo in Chr. Patri D. G.*

(a) p. 568. (b) p. 572. (c) p. 579.

Summo Pont. Magnates & universitas Regni Angliæ, &c. But all came to nothing.

Mr. Petit (a) produces an ancient MS. out of the Cotton Library, writ in the same Age; in which it is said, that Letters were sent to the Cardinals at Lions, à Baronibus, Militibus, & universis Baronagii Regni Angliæ per Rogerum Bigod, &c. Barones, Procuratores Baronagii Angliæ, &c. beginning thus: *Ven. in Chr. Fratribus universis & singulis D. G. salutem Barones, Milites, & universitas Baronagii Regni Angliæ, &c.* The Embassadors being gone to the Council, the K. sends his Writ to the Abbot of Bury, forbidding him to suffer the Pope's Nuncio to levy any thing in his Jurisdiction, till they had heard what the Council would determine: Rex (b) *Abbati de S. Edmundo sal. Cum pro oppressionibus innummerabilibus factis in Regno nostro per Ecclesiam Rom. ob quam Magnates nostri ad Sedem Apostol. appellarunt, & quosdam de ipsis pro Universitate totius Baronagii ad Concilium brevi celebrandum, ad Appellationem suam prosequendam, duxerint destinandos, &c.*

An. 124 $\frac{1}{2}$. (c) He kept his Christmas at London, convocatis multis Regni nobilibus, multisq; Magnatibus.

The Reader will be pleas'd to remember, that I mention sometimes these Christmas-Meetings, because they were not only for Feasting, but also for publick Business.

On Midlent Sunday (d) the Magnates totius Regni were summon'd to meet together generaliter, de statu Regni tractaturi. And this is the first time that we find it call'd a Parliament. M. Paris (e) adds: *Medio vero Quadragesimæ edicto Regio convocata, convenit ad Parlamentum generalissimum totius Regni Anglica-*

(a) Rights of Com. p. 111. (b) Cl. 29. H. 3. m. 8. Dors. Brady Introd. p. 108. (c) p. 604. (d) p. 607. (e) p. 609.

ni totalis Nobilitas Londini, viz. Prælatorum tam Abbatum & Priorum quam Episcoporum, Comitum quoq; & Baronum; ut de statu Regni jam vacillantis, efficaciter, prout exegiturgens necessitas, contrectarent. Agen: Convenientibus igitur ad Parlamentum prædictum totius Regni Magnatibus, in primis aggressus est D. Rex ore proprio Episcopos per se, postea vero Comites & Barones, deinde autem Abbates & Priores, &c. In another place (a) he calls it *Parlamentum Regis*, ubi congregata fuerat totius Regni tam Cleri quam Militiæ generalis universitas. The *Burton Annals*: Convocatis ad Parl. apud Westm. totius Angliæ Magnatibus cum Clero. It was held against the Pope's Exactions, and a Roll of Grievances was there form'd. It was agreed that Supplicatory Epistles should be sent to the Pope. Which was accordingly done: one in the Name of the Bishops Suffragans of the Province of Canterbury; another in the Name of the Abbots and Priors, and their Convent of the Provinces of Canterbury and York: which according to the Copy extant in the *Annals of Burton* (b), runs in the Name of the Clergy of England: Summo Pontifici Clerus Angliæ pedum oscula, &c. a 3d in the Name of the Nobility, Commonalty, and the inferiour secular Clergy. Sanctissimo, &c. Devoti filii sui Comes Cornubiæ ——— & alii totius Regni Angliæ Barones, Priceres & Magnates, ac nobiles (c) Portuum maris habitatores, necnon & Clerus & Populus universus, salutem. The K. in his Letters to the Pope and Cardinals, tells 'em of the Clamor Magnatum Angliæ, tam Cleri quam Populi. In his Prohibition (d) to the Abbot of St. Albans against paying Tallage to the Pope, the

(a) p. 619. (b) p. 306. (c) In Archbishop Peckham's Register I have seen a Letter directed by him, Majori & Burgensibus Baronum Doverræ. (d) Ibid. p. 618.

K. calls this Parliament a Convocation of the Prelats and Magnates,

On S. Thomas Day (a), *habitu est magnum Concilium inter Regem & Regni Magnates apud Wintoniam*. Where the Messengers sent to Rome, being return'd, made their Report.

This Year a Law (b) was made against Deer-Stealers.

An. 1247⁶. He kept his Christmas at Winton (c) : *præsentibus electis regni Magnatibus*.

A Decree being made by the Bishops in the late Council of Lions for a Subsidy to be paid by all the Clergy for the Holy-Land, and it being now ordered to be collected in England (d), *fecit D. Rex Magnates suos, necnon & Angliæ Archidiaconos, per scripta sua Regia Londinum convocari*. The Bishops absented themselves: But besides the Archdeacons, a great number of the lower Clergy were present, complaining of that Exaction. *In crast. Purif. B. Mariæ D. Rex cum suis Magnatibus tractatum habens diligentem, per plures consilium urgens dies protelavit*. — *Convenerant etiam tunc ibidem Archidiaconi Angliæ, necnon & totius Regni Cleri pars non minima cum ipsis Magnatibus; conquerentes communiter, &c.* It was agreed, that Messengers should be sent to Rome with Letters to the Pope and Cardinals, *ex parte communitatis totius Cleri & Populi Anglicani*. The Letters which were sent, run in the Name of *Universi Cleri & Populi per Provinciam Cant. constituti*. They conclude thus: *Et quia Communitas nostra Sigillum non habet, præsentem literas signo Communitatis Londinensis, vestræ Sanctitati mittimus consignatas*.

The same Year (1247.) 2 Persons being sent into England from the Pope to raise Money; and

(a) p. 620. (b) p. 608. (c) p. 627. (d) Ibid.

coming to Rob. Grosthead Bishop of Lincoln, he answer'd (a) that the Business concern'd *totius Cleri & Populi, necnon & Regni Universitatem*. Arbitror igitur *temerarium & absurdum certum super hoc, inconsultâ Regni Communitate, præcipitanter dando responsum, tam arduo consilio & negotio diffiniendo consentire.*

The same Year, to curb in some measure the insatiable Avarice of the Court of Rome, the K. made certain Laws relating to Ecclesiastical Jurisdiction, which may be seen in (b) *M. Paris. Rex constituit in Angliâ inviolabiliter observanda hæc, &c.*

Per idem tempus (c), D. Rex comperiens Regnum suum enormiter periclitari, jussit omnem totius Regni Nobilitatem convocari, ut de statu ipsius tam manifeste periclitantis, *Æronis die quâ cantatur, Quasi novo geniti, diligenter contractarent. Prælatos autem maxime ad hoc Parlamentum vocavit arctius, quia videbat eos tam frequenter depauperari.*—— There, contrary to all Mens expectation, the Clergy consented to give the Pope 11000 Marks; all except the Exempt and three of the Secular Clergy. *Exceptis Exemptis, & tribus Clericis. Wikes ad an. Facta est generalis congregatio omnium Magnatum Angliæ, Episcoporum, Comitum, Baronum coram D. Rege apud Æron, quindenâ Paschæ; quorum consilio & assensu D. Rex mutavit monetam suam, quia vetus sic fuit retonsa quod nullius fuit valoris.*

About the same time (d), all the Magnates Regni were summon'd to meet on the Festival of S. Edward, 15 Days after Mich. partly, as the Writ of Summons set forth, to hear the good News of a Benefit conferr'd on England from Heaven, and partly to celebrate the Translation of that Martyr, and partly to be present at the Knighting of W. de Va-

(a) p. 630. (b) p. 634. (c) p. 636. (d) p. 640.

lencia the King's Brother by the Mother's side. The good news they were to hear, was, that a Portion of our Saviour's Blood was sent to the K. from *Jerusalem*: Which with great Devotion and Reverence, the K. himself carrying it on foot, and in a poor Habit, from *St. Paul's* to *Westminster*, was there repositied.

An. 1247. on the *Octaves of Candlemas* (a), *edito Regio convocata totius Regni Angliæ nobilitas convenit Londini, ut de Regni negotiis diligenter & efficaciter simul cum D. Rege contrectarent. Advenerunt igitur illuc exceptâ Baronum, Militum, Nobilium, necnon & Abbatum, Priorum, & Clericorum multitudinem copiosâ, novem Episcopi cum totidem Comitibus.* The K. demanding an Aid, they instead of granting it, laid before him a long List of Grievances. The K. humbly promis'd Amendment for the future. And they took time till 15 Days after *Midf.* to see how Matters would be mended.

That time being come (b), *convenit Londinum totius Angliæ Nobilitas* ——— *Convenientibus igitur in unum omnibus Regni Primatibus*, whom the Historian calls a little after, *universitatis Barnagium*; they receiv'd a shuffling Answer from the K. and so refus'd to grant him any thing.

The same Year, a Person having had his Privy-Members cut off, for attempting to commit Fornication, by the Woman's Relations (c), *Rex voce præconia jussit pro Lege acclamari, Ne præsumat quis nisi pro Conjuge, adulterum membris mutilare genitalibus.*

This Year, which was Regni 32. an Outlawry against *William de Hastings* was reversed, as the Record (d) tells us, because it was not done accord-

(a) p. 646. (b) p. 649. (c) 653. (d) Close Roll 32 H. 3. m. 13. Dorlo.

ing to the Law and Custom of the Kingdom, *coram Rege & toto Parlamento.*

The same Year the Bishop of Norwich being Commissioned by the Pope to levy a Tax upon the Rectors of such Churches as were in the Patronage of Laymen, for the use of the Archbishop, the K. by this Writ forbids them to do it, pursuant to an Act of the last Parliament (a) *Rex W. Norwicensi Episcopo sal. Quia Magnates terræ nostræ noluerint in ultimo Parlamento nostro quod fuit apud London, &c. vobis mandamus prohibentes districte, ne &c. — donec cum prædictis Magnatibus, sine quibus super hoc nihil volumus attemptare Colloquium habuerimus. &c. dat. Mart. 9.* This perhaps is the oldest Writ extant, in which the Word Parliament occurs. But in the Rolls it occurs before that time, viz. 28. H. 3. and the Council of Runningmead, where Magna Charta was first made, is (b) there styl'd a Parliament.

The Close Roll of 32 H. 3. (c) mentions a Parliament of that Year: *Consideratum fuit in Curia nostra & toto Parlamento nostro, &c. (d) Quædam subsidia per Magnates & Communitatem Regni spontaneâ & merâ voluntate Regi concessa 29 & 32 H. 3.* towards the marrying the King's eldest Daughter, and also his Sister to the Emperor Frederick, are mentioned *inter Communia Hilar. 17. E. 1.* in a Plea between the King and the Prior of Coventry.

An. 124⁸ the King exacted New-years Gifts from every Citizen of London, and summon'd *copiosam*

(a) Ibid. m. 12. Dorso ap. Brady Introd. p. 72. (b) Rot. Cl. 28. H. 3. m. 12. dorso. See Mr. Petir, p. 33. (c) M. 13. dorso. Mr. Petir, p. 35. (d) Ibid. p. 34.

Magnatum multitudinem to meet at *Westm.* on the Feast of *Edward the Confessor*, the day before *Epiphany*, where they paid their Devotions partly to that Saint, and partly to the *Blood* of our Saviour, which was pretended to be there repositied.

At the Close of *Easter*, the *Magnates Angliæ* met together at *London*, with an intent to oblige the King to constitute a *Chancellor*, *Justice*, and *Treasurer*, by their Advice, as he had often promised to do. But *Richard* Earl of *Gloucester* the King's Brother, whom they chiefly depended upon, absenting himself, nothing was done.

An. 1251. Regni 35. 13 Cal. Mart. (a) a great *Parliament* was held at *London*, where *Henry of Bath* was accused of *Treason*.

On the *Nones of November* there met together at the *Monastery of Hales or Heyles*, at the *Dedication* of it, the *K. and Queen*, and *all the Earls and Barons of the Kingdom*, among whom were 13 *Bishops*, with a great multitude *Militum & Plebeiorum*: says *Wikes*. There was doubtless a *Parliament* held there at that time.

An. 125½ (b) he kept his *Christmas* at *York*, together with the *King of Scots*, to whom he gave his Daughter *Margaret* in *Marriage*: and the *King of Scotland* did him *Homage*. There came together *utriusq; Regni tam Cleri quam Militiæ* (the *Laiety*) *multitudo numerosa nimis*.

On the *Quinden of Easter*, 1252. all the *Magnates (c)* that had taken upon 'em the *Cross* for the *Holy Land*, were conven'd to consult about that

(a) P. 703. (b) P. 715. (c) P. 719.

Affair. During this *Parliament*, (for so (a) the Historian calls it) all the *Londoners* from the least to the greatest were by the publick Cryers summon'd to appear before the K. at *Westminster*, where certain Bishops preached to 'em by his Command to excite 'em to take the Cross.

This Year the *Welsh* (b) quietly submitted to be governed by the Laws of *England*.

On *S. Edward's* day (c) (which was a very great Day with this Prince) *convenerunt veluti ex edicto Regio convocati, totius Angliæ Prælati fere universi*: The Archbishop of *Canterbury* was then beyond Sea, and the Archbishop of *York* was likewise absent. There a Bull was read to 'em from the Pope, by which he granted the King the whole Income of the Church of *England*, according to the strictest valuation for 3 Years, for his Expedition, as was pretended, to the *Holy Land*. The Bishops denying it, among whom the most Active was *Robert Grossthead* Bishop of *Lincoln*, the King desires 'em to grant it, not by Vertue of the Pope's Mandate, but at his earnest request: They offer to do it, if he would engage for the future to observe those *Charters*, which had been so often confirmed and sworn to; and never agen exact any such Tax on the same pretence; and that the Money should be applied only to that use. The King not complying with those Conditions, they gave him their final Answer, That the two Archbishops being absent, they could not come to a full Resolution: *se non posse plenum aut perfectum consilium inire*. That this was done in a *Parliament*, appears from what the Historian adds, *Rex igitur ne viderentur quidam Magnates qui jam illuc*

(a) P. 720. (b) p. 721. (c) p. 732.

advenerant inaniter fuisse convocati, districte tractatum suscitavit, quid agendum de terrâ suâ Gasconiae. — Solutio igitur cum Regis Cleri & Magnatum indignatione Concilio, &c.

In the *Burton Annals* (a) we are told of a Parliament held this year at *Westminster*, where the two Archbishops were present, with the Bishops, Abbots, Earls, and Barons, and the *Magnates totius regni Angliæ*. Where the King produced a Grant from the Pope of the Tenth of all the Goods of Ecclesiastical Persons: But they manfully oppos'd it, alledging, that the many Grievances which the Kingdom labour'd under contrary to their Liberties granted in their *Charters*, ought first to be redress'd: And so the Parliament was adjourn'd till after *Easter*. This should seem to be the same Parliament, tho' one makes the 2 Archbishops to be absent, the other to be present. Or, it may be, this was that which *M. Paris* mentions as succeeding the former, in which as he says, the K. conven'd his *Optimates*, for an Aid for *Gascony*; but was denied. But that too I suspect to be the same.

About this time (b) *Isabell* the young Countess of *Arundel* came to the King, and boldly reprehended him for violating the *Charters* which his Father had granted, and he had so often confirmed, and his Subjects so often paid for.

An. 1253. on the Quinden of Easter, tota edicto Regio convocata Angliæ Nobilitas convenit Londini de arduis regni negotiis simul cum Rege tractatura. So Paris. Adunato magno Parlamento petierunt Prælati fere omnes, insimul congregati, &c. says *Matthew of Westminster*. The Clergy there granted a Subsidy to-

(a) P. 325. (b) P. 735.

wards the King's pretended Expedition to the Holy Land; and in *Westminster Hall* the 2 Charters were agen solemnly confirmed, and the Breakers of 'em with lighted Tapers Excommunicated, the King holding his hand upon his Breast; the Bishops threw down their Tapers, and while they lay smoaking on the Ground, they cryed out, *So let all Opposers of this Sentence be extinguished and stink in Hell.* At the same time the K. said, *So God help me. I will faithfully keep all these things inviolably, as I am a Man, as I am a Christian, as I am a Knight, and as I am a King crown'd and anointed.* And Robert Grossthead Bishop of *Lincoln* after the Parliament was ended, (a)commanded the same *Anathema* to be solemnly pronounced in all the Churches of his Diocefe.

In the Sentence of *Anathema*, as it is published by *Rastal*, it is said to be pronounced on the 3d. of *May*, and so it is in *M. Paris*, and *Mat. of Westminster*. But it was done on the 13th. viz. 3 *Idus Maii*, as I find in the *Burton Annals*, (b) and in an ancient MS. Copy in (c) *Lambeth Library*: But here there is an Error in the Year, for it is said to be done an. 1257. Another Copy has an. 1254. *Id. Maii*. Three (d)other Copies have *Idus Maii*, i. e. *May 15*. whereof two are right in the Year 1253. the 3d. has (e) an. 1254. The Copy which is extant in (f) *Hemingford* has An. 1253. *Idibus Maii*. But that which certainly determines the time is the following Record.

Which likewise shews, that besides the Lords, the Commons were present and acted in this Parliament : (g) *Noverint universi quod D. H. Rex An-*

(a) See *Paris*, p. 746. (b) p. 323. 332. (c) 4to. 26. (d) Fol. 166, 179. (e) 4to. 105. (f) p. 571. (g) *Rot. par.* 37. H. 3. m. 12. dorlo. Published by Mr. Petir, *Rights of Commons*. Append. p. 164.

glia illustris, R. Comes Norff. & Mareſcallus Angliæ, H. Comes Hereford & Eſſex, I. Comes de Warwico, P. de Subaudia, cæteriꝑ; Magnates Angliæ conſenſerunt in ſententiam Excommunicationis generaliter latam apud Weſt. tertio decimo die Maii anno Regni Regis prædicti. 37. in forma ſcil. Quod vinculo præfatæ ſententiæ ligentur omnes venientes contra libertates contentas in Cartis communium libertatum Angliæ & de Foreſta, &c. — Sciendum autem, quod ſi in ſcriptis ſuper eadem ſententiâ à quibuſcunq; conſectis, ſeu conſciendis aliud vel aliter oppoſitum vel adjectum fuerit, aut articuli aliqui alii in eis contenti inveniantur, D. Rex & prædicti Magnates omnes, & Communitas Populi proteſtantur publice in præſentiâ venerabilium Patrum B. Dei gratia Cant. Arch. totius Angliæ Primatis, necnon & Episcoporum omnium in eodem Colloquio exiſtentium, quod in eâ nunquam conſenſerunt, nec conſentiunt, ſed de plano eis contradicunt. Præterea præſatus D. Rex in prolatione præfatæ ſententiæ omnes Libertates & Conſuetudines Regni noſtri antiquas & uſitatas, & dignitates & jura Coronæ ſuæ ore proprio ſpecialiter ſibi & Regno ſuo ſalvavit & exceptit. In cujus rei memoriam & in poſterum veritatis teſtimonium tam D. Rex quam prædicti Comites ad inſtantiam aliorum Magnatum, & Populi præſentium, ſcripto ſigilla ſua appoſuerunt. In the Sentence it is ſaid, that all ſhould be involv'd in it, that having broke the Charters ignorantly, and being admoniſhed, did not reform themſelves within 15 Days, and make full Satisfaction for that they had done, at the will of the Ordinary. This laſt Word is that in which the Laity would not joyn with the Biſhops, declaring in this Proteſtation, that inſtead of having the matter determined by the Ordinary or Eccleſiaſtical Judge, it ſhould be brought into the King's Court. Ita tamen quod D. Rex tranſgreſſionem illam per conſiderationem Curiaſ ſuæ faciat emendari. And the King's juſt rights in oppoſition to the
Clergy's

Clergy's Pretensions are by this *Salvo* secured.

On the last day of September next following, or the year after, the Anathema denounced against the Infringers of the Charters, was ratified and confirmed by P. Innocent IV. in an Instrument reciting the Sentence, dated *Anagninæ* 11 Kal. Octob. Pontificatus 12. and extant in the *Burton Annals*. But it is placed there *ad an.* 1254.

It was not long before the King began to fall off, and returned to his former Courses, as we learn from (a) *M. Paris*. In *Eulogium*, a MS. of the Cotton Library, it is said, that he got a Dispensation from the Pope, by Prince Edward's intigation. *An.* 1253. *Henricus Rex Angliæ ad instantiam Prælatorum, Comitum, & Baronum, Cartas duas eis concessit, unam de Libertatibus, quæ Magna Carta dicitur, & alia quæ dicitur, De Forestâ. Pro quâ concessione Communitas Angliæ concessit, 15m. partem omnium bonorum suorum mobilium & immobilium per totam Angliam. Hæc autem concessio & donatio confirmata est in Parlamento Regis apud Drenford. Edwardus autem Filius R. qui vocatus est Comes Cornubiæ (this is false) illis Ordinationibus, Legibus, Constitutionibus omnino resistebat, & dicebat Parliamentum cedens in Regis detrimentum male esse celebratum. Ob quam causam consuluit Patrem suum, ut à Domino Papâ absolutionem sui juramenti imploraret. Qui à Domino Papâ petiit & obtinuit.* The K. got an Absolution from the Provisions of Oxford, in which these Charters were confirmed: And this, I suppose, is the ground of what the *Eulogium* tells us. But as to the Observation of the two Charters there confirm'd, the Pope's Dispensation excepted that. But of this hereafter.

(a) Paris p. 758.

On the 6 Cal. Febr. following, while the K. was abroad in *Gascony*, a Parliament was held at *London* under the *Queen* and *Richard Earl of Cornwall*, as Guardians of the Realm. *M. Paris* (a) tells us that there came together *universi fere Angliæ Magnates*, whom he also calls *universitas Angliæ*; and that they refused to grant the Subsidy desired. The Regents in their Letter (b) which they wrote to the K. to give him an Account of the result of the Parliament mention their being commanded by the K. to convene the *Archbishops, Bishops, Abbots, Priors, Earls, and Barons of the Kingdom of England, in Crast. S. Hilarii*; But that being too short a warning, they had summon'd them to *Westminster* on the *Quinden* of *S. Hilary*: That the Business being proposed to 'em, they answered, that the *Earls and Barons* would be at *London*, for 3 Weeks after *Easter* following, and would go over to the King's assistance if need were, and the *Bishops and Abbots* promised likewise to assist the K. if there was such a necessity as he pretended: But as for the *Clergy*, the *Bishops* would grant no Subsidy upon them. *Sed de Clericis suis nullam vobis voluerunt facere concessionem, propter decimam colligendam ad opus vestrum in subsidium Terræ Sanctæ, in proximum.* This seems to shew, that the *Bishops* did sometimes tax their *Clergy* in Parliament.

In the MS. Chron. of *Dunstable*, we are told that they refused to grant any thing, unless the *Sheriffs* were commanded by the King's *Letters Patent* to observe the *Charters*: And there seems to be an intimation, that the *Inferiour Clergy* were there present. But I know not what Authority can be oppos'd to a Letter writ by the *Regents* to the King. That

(a) P. 758. (b) Lib. Addit. p. 4.

Chronicle mentions 2 Parliaments held this year for the granting of Subsidies: In the first the *Charters* were confirm'd; but that it mentions not. This 2d. it makes to be held on the *Octaves*, (it should have said on the *Quinden*) of S. Hilary. *An. 1253. Rex convocavit Magnates suos — & petiit auxilium ab Episcopis, Comitibus, Baronibus, Militibus, Abbatibus, Prioribus, & maximam ab eis extorsit pecuniam.*

Eodem anno in octabis S. Hilarii conveniunt London. Archiepiscopus Cant. & Episcopi plures, Comites, & Barones, Abbates, & Priores, quos allocuti sunt Comes Ricardus & alii de Consilio Reginae, petentes ad opus Regis auxilium generale à Clero & à Populo, qui omnes contradixerunt, nisi sub certâ formâ, scil. quod Magna Charta & Charta Forestæ plenè teneantur, & executio Vice-Comitibus per literas D. Regis patentes mandarentur, & Ecclesiâ libertatibus suis plene informaretur. Quo audito, Comes Ricardus & consilium Reginae petierunt à Clero, decimam unius anni de decima 3 annorum quam D. Papa Regi concesserat. Quod Clerus denegavit, nisi literas haberent D. Papæ patentes quod eis pro decima primi anni cederet unam (quod) factum est.

Another Parliament was summon'd to meet on the *Quinden* of *Easter* 1254. The Regents issue out a Writ to all the Bishops, requiring them to convene all the Clergy in their respective Dioceses, to consider of a Subsidy. And having there resolved what to give, the Clergy of each Diocese were to send up certain Proxies to the Parliament to give in their Resolutions, or an Account what they would give. The Writ is extant in the *Close Roll* of this year, and is published by *Pryn* (a); who takes it to relate to a voluntary contribution, and not to

(a) Cl. 38. H. 3. m. 7. Dorso. (b) Brev. Parl. parte. 1. p. 3.
Z 2 2

a Parliament. But he ought to have known, that in those days it was usual for the Clergy before the Parliament begun, to be called together by their respective Bishops, to resolve what to give, and then to send up their Proxies to Parliament to give as directed by their Principles.

Rex R. Cant. Archiepiscopo, totius Angliæ Primati, salutem. Cum Rex Castellæ nullo jure sed potentiâ confusus, terram nostram Wasconia cum multitudine Christianorum & Saracenorum in æstate prox. futura hostiliter sit ingressurus ——— Paternitatem vestram omni quâ possumus affectione rogamus, quatenus nos & iura nostra taliter indefensa non deserentes, cum omni celeritate convocetis coram nobis Capitulum vestrum Cathedrale, Archidiaconos, viros Religiosos & Clerum vobis subiectum. Inducentes eos modis omnibus quibus poteritis quod nobis in tanta necessitate liberaliter subveniant ———

Provisio, quod aliqui viri discreti, ex parte prædictorum certificent Consilium nostrum apud Westm. in quindena Pasch. prox. fut. de modo & quantitate subsidii memorati. Salvis nobis permissionibus tunc solvendis ibidem à viris religiosis vestræ Diœcesis nobis factis in quindena S. Hilarii prox. præteriti. Et quia ordinariam jurisdictionem exerceatis vacante sede in Episcopatu Lincoln. vos requirimus affectuose, quatenus officialibus vestris ejusdem Episcopatus sciatis attente quod tempestive convocent coram eis Capitulum Cathedralis Lincoln. Archidiaconos, Viros Religiosos, & Clerum ejusdem Episcopatus ad certos diem & locum: Inducentes eos omnibus modis quod in hac necessitate nostra consimilem nobis faciant subventionem, & quod certificent Consilium nostrum apud Westm. in prædictâ Quindena Pasch. per viros discretos ejusdem Episcopatus de modo & quantitate prædicti Subsidii. Salvis nobis permissionibus à viris Religiosis prædicti Episcopatus nobis factis in Quindena S. Hilarii prox. præteriti sicut prædictum est.

In cujus, &c. T. A. Regina nostra & R. Com. Cornub. fratre nostro, apud Windlesor 11. die Febr.

Eodem modo mandatum est Archiepiscopo Eborum. & singulis Episcopis totius Angliæ, & Officialibus Bathon. & Wellen Episcopi.

To the same Parliament were summon'd 2 Knights out of every County, to be chosen by the County. The Writ of Summons directed to the Sheriff of Bedf. and Buck. is extant in the Close Roll of this Year (a). The K. tells the Sheriff, that the Earls, Barons, & cæteri Magnates regni had promis'd him to be at London 3 Weeks after Easter, with Horse and Arms, in order to march to Portsmouth, and so to sail over into Gascony; then he requires him to oblige all those within his Jurisdiction, qui tenent 20 librata terræ de nobis in Capite, vel de aliis qui sunt infra ætatem, & in custodiâ nostrâ, to do the same. After which, thus: Tibi districtè præcipimus, quod præter omnes prædictos, venire facias coram Concilio nostro apud Westm. in Quindenâ Paschæ, prox. fut. 4 Legales & discretos Milites de Comitatibus prædictis, quos iidem Comitatus ad hoc elegerint, vice omnium & singulorum eorundem; viz. 2. de uno Comitatu, & 2. de alio ad providendum una cum Militibus aliorum Comitatum, quos ad eundem diem vocari fecimus, quale Auxilium nobis in tantâ necessitate impendere voluerunt. Et Tu Militibus, & aliis de Comitatu prædicto necessitatem nostram, & tam urgens negotium nostrum diligenter exponas, & ad competens Auxilium Nobis ad præsens impendend. efficaciter inducas. Ita quod præfati 4. Milites præfato Concilio nostro ad prædictum terminum Paschæ respondere possint super prædicto Auxilio pro singulis Comitatibus prædictorum, &c. T. A. Regina & R. Com. Cornub. apud Windesore xi. Febr.

(a) Cl. 38. H. 3. m. 7. & 12. ap. Brady Introd. p. 212.

On the *Quinden.* of Easter, says *Paris (a)*, *congregati sunt iterum Angliæ Magnates Londini.* But they granted no Aid; I suppose, because the *Sheriffs* had not been commanded, as they desired, to observe and publish the *Charters.*

At the same time (2. Febr.) the *Regents* send into Ireland for a Subsidy there (b) *Rex ven. in Chr. Patribus Omnibus Archiepiscopis, Episcopis, & dilectis sibi in Chr. Abbatibus, & Prioribus, & dilectis fidelibus suis Hiberniæ, salutem, &c.* A few Days after (Febr. 17.) another Writ (c) was sent thither: *Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Liberis Hominibus, Civibus, Burghensibus, & omnibus aliis fidelibus suis terræ suæ Hiberniæ salutem.* It is certain from the Writs that all these were to meet together in Parliament, to treat of the Subsidy which the K. required.

The same Year the K. sends into England to the Queen and the Earl of Cornwall to require the *Sheriffs* to take an Oath to observe the *Charters*, and by Proclamation to command all others to observe 'em: provided the *Magnates* and the *Prelats* of England commanded their *Subjects* to do the same.

Rex Reginiæ (d) & R. Comiti Cornub. salutem. Cum Nos & omnes Magnates & Prelati Angliæ juraverimus & promiserimus nuper apud Westm. quod Magnam Chartam nostram Angliæ in omnibus Articulis suis teneri firmiter faceremus: Nos adhuc in eodem proposito persistentes, volumus & mandamus quod Cartam illam super

(a) p. 763. (b) Rot. Pat. 38. H. 3. m. 4. Mr. Petit's Append. p. 166. (c) Ibid. See Brady Introd. p. 90, &c. (d) Rot. Pat. Vasc. 37. & 38. H. 3. m. 4. D. 21.

Sacramentum singulorum Vice-comitum in singulis Comitatus publice clamari faciatis & teneri, dum tamen præfati Magnates & Prælati eam faciant simili modo de cætero à suis Subditis. T. &c. But this Order does not seem to have been executed till the Year following.

An. 1255. (a) in *Quindenâ Paschæ quæ vulgariter Hokeday appellatur*, convenerunt Londini omnes Nobiles Angliæ tam viri Ecclesiastici quam seculares, ita quod nunquam tam populosa multitudo ibi antea visa fuerit congregata. There a Subsidy being demanded, they requir'd of the K. that *Magna Charta* should be inviolably observed, which he had been so often sworn to; and that the *Justice, Chancellor, and Treasurer* should be chosen by the *Common Counsel of the Kingdom*, and not be remov'd nisi de communi Regni convocati consilio & deliberatione. The Historian here complains, that the Prelats and Great Men knew not what to do to hold their Proteus fast, so changeable the K. was. It was resolv'd, ex parte universitatis, that the Business should be adjourn'd to *Michaelmas*.

The *Annals of Burton* (b) tell us, that there were present in that Parliament all the Bishops of the Realm, the Abbots, Earls, and Barons: only the Archbishop of Canterbury was then beyond-Sea, and some few were excused being indisposed. It appears from both those Historians, that they pretended in their Demand, that it had been anciently the Custom for the *Justice, Chancellor, and Treasurer*, to be nominated by the Parliament. Which was more, I doubt, than they could prove.

(a) Paris p. 777. (b) p. 341.

In the MS. Chron. of *Dunstable* I find the same Parliament mention'd, with this Account: *An. 1255. in quindenâ Paschæ convocavit Rex omnes Magnates suos, & tenuit Parliamentum solempne cum eis, petens auxilium à Clericis & Laicis, præter decimam ei à D. Papâ concessam, qui omnes petierunt inducias responsioni suæ usq; ad S. Mich. prox. seq. ut tunc præcise responderent: Dum tamen medio tempore libertates in Magnâ Chartâ & in Cartâ de Forestâ contentas faceret observari, quod se promisit facturum, non tamen perduxit ad finem.*

But *Paris (a)* tells us, that soon after the K. commanded it to be proclaim'd in the County-Courts, Synods, and Churches, and in all places where People were wont to come together, that *Magna Charta*, which K. *John* had granted, and he himself so often confirm'd, should be inviolably observ'd, and the Sentence of Excommunication was denounced all over the Kingdom against the Violators of it.

The Pope having given the Kingdoms of *Sicily* and *Apulia*, which belong'd to the Emperor, to Prince *Edmund* the King's younger Son, that so he might oblige the K. to oppose the Emperor, after *St. Luke's-tide (a)* *Edicto Regio convenit* Magnatum numerosa multitudo, where the K. declar'd his Son K. of those Countries.

Soon after came the Legat *Rustandus* into *England* to demand an Aid for the Pope for the recovery of those Kingdoms. A Parliament is call'd at *Westminster* on the Festival of *St. Edward* (the Martyr) where were omnes fere *Angliæ Magnates (c)*. The King's own Brother, *Richard* Earl of *Cornwal* objected, that the K. had engaged in that Business *sine consilio suo & assensu Baronum sui*. Others alledged,

(a) p. 779. (b) p. 783. (c) p. 785.

that all were not call'd according to the Tenor of Magna Charta: *quod omnes tunc temporis non fuerunt juxta tenorem Magnæ Chartæ suæ vocati, & ideo sine Paribus suis tunc absentibus, nullum voluerunt tunc responsum dare.* By this they seem to have had respect to K. John's Charter, properly so call'd; for in the Charters of H. 3. there is nothing at all of that kind. The K. that he might one way or other prevail with 'em, continued the Parliament for a whole Month together; which was in those Days a very long while. But after all nothing could be got. The Earl Mareschal there gave the K. *the Lye* (a) the K. calling him *Traitor*.

In this Parliament the *Diocesan* Clergy had their *Proxies*. The (b) *Annals* of Burton speak thus of it. *Post festum S. Mich. tenuit Rex Parl. suum apud Westm. convocatis ibidem Episcopis, Abbatibus, & Prioribus, Comitibus, & Baronibus, & totius Regni Majoribus.* From whence one would at first sight conclude that the *Inferiour* Clergy were not present. But from hence it appears, that we ought not to rely on such kind of Enumerations. For immediately it follows: *In quo petebat à CLERO de laicis fœdis suis sibi suffragium exhiberi ad negotium stulte & incircumspecte pro Regno inchoatum Ciciliæ proseguendum, disponens de suo consilio iniquo hoc prius à Clero, & postmodum à populo majori & minori extorquere. Episcopi vero, Abbates, Priores, & Procuratores qui ibidem pro universitate affuerunt, nolentes hujusmodi exactiōni adquiescere, &c.* Where by *Procuratores Universitatis*, are meant the Representatives both of the *Commons*, as well *Spiritual* as *Secular*.

The *Proxies* of the Clergy of each Diocese gave in their particular Complaints against the Pope's Ex-

(b) p. 788. (c) p. 355.

actions, and sent 'em to the Pope. ——— *nolentes hujusmodi exactioni acquiescere, sed potius decernentes fore resistendum & contradicendum, rationibus & gravaminibus in scriptis redactis & allegatis, per fideles & discretos nuncios electos eadem gravamina summo Pontifici sub sigillis destinarent.* Quorum tenor talis est. *Procuratores Clericorum beneficiatorum Archidiaconatus Lincolniae pro totâ communitate proponunt, quod gravati sunt, &c.* — *Proponunt Procuratores subditorum Ecclesiarum Covent. & Lichf. Diœcesis, &c.* — *De singulis Diœcesibus totius regni consimiles ibidem confecti sunt articuli, & summo Pontifici ibidem pro Universitate similiter destinati ut supradictum est.*

An. 1255. on Hilary Day the Bishops and Archdeacons being met at a Synod under Rustandus, the Great Charters of K. John (so says the (a) Historian) which he had of his own accord promis'd the Baronage of England, and which the present K. had agen granted, was now agen confirm'd in Westminster-Hall, under the pain of an horrible Anathema. And K. John's Charter for free Elections in the Church, was confirm'd by the Pope.

On Midlent Sunday another Parliament was held in the Chapter-House of Westminster, where the Diocesan Clergy were present, it being held for a Subsidy for the Business of Sicily. Coram Prælatiis, Clero, & Populo (say the Burton Annals) in magnâ multitudine congregatis, exposuit Archiepiscopus Messenensis (one of the Pope's Nuncio's) negotium Ciciliæ, &c.

In the Dunstaple Chron. an ancient MS. of very good note, which I have often quoted, I find this Account of the Transaction between the K. and his Parliaments about those Subsidies. An. 1256. Magister Rustandus & Mr. Gilo de Brideport, &

(a) Paris, p. 791.

Ric. Abbas Westm. & D. Henricus ad instantiam D. Regis adierunt Curiam Rom. pro negotiis suis expediendis contra Clerum & Populum Angliæ. Quibus in Angliam redeuntibus petiit D. Rex à Clero & Populo omnes sumptus quos tunc posuerat pro terrâ Ciciliæ filio suo Eadmundo proquirendâ, &c. — ad quæ Magnates primo, & postea Clerici respondebant, quod petita facere nec voluerunt nec potuerunt, &c. — Alias plures causas Clerus & Populus assignabant.

An. 124⁶₇. on the Epiphany (a) the Abbots of the Cistercian Orders were conven'd before the K. for an Aid : But they refused to grant any, alledging, that they could not do it without the general provision and consent of their Chapter, or at least, by the common consent of all the Abbots of their Order in England, of whom some were not then present. For which refusal they suffer'd very much from the King's Officers in the Country.

On Midlent Sunday a (b) Great Parliament was held at London, where the Masters of that University of Oxford were summon'd to appear, for the composing of a great Difference between the University and the Bishop of Lincoln, who pretended to a Power which they would not allow him. There likewise the K. demands a Subsidy for the Affair of Sicily ; which Kingdom, he says, he had accepted of for his Son (c), by the common Counsel of the whole Church of England, both Clergy and Laity. Petit D. Rex quod cum ipse ex communi consilio totius Anglicanæ Ecclesiæ se obligaverit D. Papæ, propter regnum Ciciliæ Edmundo filio suo concessum, ad expensas circa idem regnum perquirendum jam factas & faciendas, universus Clerus & Populus in totum, vel jam ad usu-

(a) Paris p. 809. (b) p. 812. (c) Annal. Burt. p. 374.

ras & pœnas ad quas se astrinxerat in totum se obliget. Item petit Decimas à Clero continuandas, &c.—The Bishops and Clergy give in their answer; *Rationes Episcoporum & Cleri contra petitionem D Regis.* In which they deny that they were ever so much as consulted about that Matter. At last they offer'd him an Aid of 50000 Marks, on this condition, that he would observe *Magna Charta* inviolably, and not oppress 'em for the future with such heavy Exactions. *M. Paris* calls this a very populous, and a most general Parliament, and there were there, as he tells us, *tota fere Angliæ Nobilitas.* There Richard Earl of Cornwall, being chosen K. of the Romans, took his leave of the *Universitas Angliæ.* The Historian adds, that in that Parliament, in *audientiâ totius Populi* the K. declar'd his Son Edmund K. of Apulia. There was then, as he says, such a multitude of Men at London, *ut vix eam Londinum civitas capaci gremio contineret.*

On the Quinden of Easter following, a Parliament was held at Westminster about the same Business: *In hoc fuit tractatum de negotiis Apuliæ, pro quibus Archiepiscopus Messenensis* (one of the Popes Nuncio's) *ibidem interfuit; & responsum fuit tam à Clero quam à Populo, sicut anno præcedenti.* (a) Annal. Burton.

This Year the K. took an account of all the (b) Baronies in England, and they were found to be 250. Which I therefore mention, because it relates to the Parliaments of that time.

An. 1258. The next Day (c) after Hoke-Tuesday a Parliament was held at London, about the same Business of Apulia and Sicily, and about a War against the Welsh. The *Magnates* refused to grant him any

(a) p. 376. (b) Paris p. 811. (c) p. 826, 7, &c.

Subsidy : alleging many Grievances, as his adhering too much to Foreigners, &c. The King humbly acknowledged his Faults, and took an Oath before S. Edward's Altar, that for the future he would correct 'em, and be advised by his natural Subjects. So the Parliament was prorogued to Barnaby Day, to be held then at Oxford.

Barnaby Day being now at hand, the (a) *Magnates and Nobiles of the Land*, require all that held of 'em in *Military Service* to attend 'em to the Parliament, for fear of Violence. Accordingly they come thither in a warlike manner, pretending they did it in order to march against the *Welsh*.

The *Annals of Waverly* tell us who were present in that Parliament, in these Words : *Rex & Proceres Regni apud Oxoniam convenerunt, & quandam providentiam inter se statuerunt, quâ perverſas evertere leges poſſent, & ad hanc obſervandam omnes juraverunt, Rex, Comites, Barones fere centum, fecerunt & Episcopi idem Sacramentum, & excommunicaverunt omnes qui contravenirent.* But thoſe *Annals* miſplace it *ad an. 1255.* Agen *ad an. 1258.* *Leges & conſuetudines antiquæ aut nimis corruptæ, aut penitus caſſatæ, &c. Tandem hoc anno Comites & Barones, Archiepiſcopi, Episcopi, & cæteri Magnates Angliæ Hemingford. Comites & Barones certos diem & locum ſtatuerunt, ſcil. Oxoniæ, à die Paſchatis in 15 dies, ubi convenirent omnes tractaturi de, &c. Convenientibus igitur iſſis, in primis ab ipſo Rege & cæteris Magnatibus ſacramentum petierunt, &c. præſtitit juramentum Rex, juraverunt & cæteri Magnates fere omnes.* — *Magnates Angliæ congregati ſunt Oxon.* ſays *Wikes.* The *Annals of Burton* tell us (b) that the Parliament was held, *convocatis & convenientibus,*

(a) P. 832. (a) P. 107.

cum equis & armis, Maioribus & Minoribus una cum Clero. Matthew of Westm. calls it *Colloquium generale*.

They require the King to observe faithfully the Charter of the Liberties of England, which his Father K. John had made, and he himself had often sworn to observe; and was of one of those that excommunicated the Infringers of it, in the Presence of the whole Baronnage. (a) Paris.

Amongst other things, they provide, that the chief Justice should be of their own choosing; and that the Kingdom should be govern'd by 24 Persons, 12 to be chosen by the K. and 12 by the Community; and that the K. should have 15 Persons of their choosing about him for his Counsel. All these together had power given 'em to make what Laws they thought fit for the Reformation of the Kingdom. Matthew of Westm. (b) gives those 24 the Name of *Capitanei*, and they held as he says, continual Parliaments. *Elevatis in Regno Angliæ 24. Capitaneis antedictis, fuerunt eis Parliamenta continua, &c.*

The Articles of Grievances (c) there exhibited, begin with, *Comites & Barones*.

One of these Articles is against building Castles on any Haven, (d) *nisi sit de consensu totius Regni Angliæ*.

They ordain that in every County there should be (e) 4 *discreti & legales Milites* chosen to enquire into Grievances. Accordingly after the Parliament was over, the K. issues out his Writ to 4 Knights in every County for that purpose, whom he requires to bring up their Roll of Grievances

(a) p. 832 (b) An. 1265. (c) Ibid. (d) p. 408. (e) p. 412.

to the Parliament which should be held on the *Octaves of Mich.* next ensuing. A Copy of the Writ may be seen in those *Annals* (a), and in M. Paris's (b) *Liber Addit. Dat. Jul. 28.*

Parliaments (c) are appointed to be held 3 times a year.

The K. and his Son Prince *Edward* having taken a solemn Oath to observe the Provisions of this Parliament, as the rest had generally done; and the Bishop elect of *Winchester* endeavouring to perswade 'em not to stand to what they had promised, the *Barons* write to the Pope to hinder his being consecrated Bishop of that See (d), *ex parte Regni universitatis*, telling him that tho' the K. and the *Majores Regni* should admit him, yet the *Communitas Regni* would not permit him to enter upon *English Ground*. The Letter (e) begins thus: *Sanctissimo &c. Communitas Procerum & Magnatum, aliorumq; Regni Angliæ, &c.* Subscribed by 11 (f) of those 12 Lords who had been chosen by the Community for the management of the publick Affairs; *Vice totius Communitatis presentibus literis sigilla nostra apposuimus, &c.*

The Provisions which are in *French*, speak every where of *tut le commun de la tere*, as the Members of Parliament. But by *Commun* ought to be understood not the *Commons* (as they are now understood) but the *whole Community*. They tell the Pope that the K. had consented to have the Kingdom govern'd *de Procerum & Magnatum suorum consilio*, viz. by 12. chosen by himself, and 12 o-

(a) P. 418. (b) p. 1132. (c) *Annal. Burton.* p. 414, 415. (d) *Paris* p. 838. (e) *Ibid.* & ap. *Ann Burr.* p. 418. (f) The 12th. was the Bishop of *Worc.* who did not, it seems, think fit to subscribe.

thers *ex parte Communitatis nominati*. And yet in the *Annals* (a), where the Names of those chosen on one side, and on the other, it is said; are mention'd, *Electi ex parte D. Regis. Electi ex parte Comitum & Baronum*. Neither is there any one among 'em below the degree of a *Baron*: But that does not prove that there were none below *Barons* among the *Electors*. The MS. *Dunstable Chronicle* speaks thus of it: *An. 1258. in festo S. Barnabæ Apost. D. Rex convocari fecit omnes Magnates suos Angliæ Clericos & Laicos, & habito cum maxima deliberatione consilio, inter eos statuerunt quod D. Rex haberet 12 de consilio electos per totam Communam Angliæ.*

The *Sheriffs* which were constituted in the several Counties, pursuant to these Provisions, are said by *Mat. of Westm.* (b) to be appointed *per Barones & Communitatem terræ*.

There is extant in Mr. Somner's *Saxon Dictionary* V. *Uunan*, a Writ sent by the K. to all the *Sheriffs* of England and Ireland, Dat. Octob. 18. enforcing the Provisions of this Parliament. It is in *old English*, and in *Saxon Characters* (c), but translated by him. And according to his Translation, the K. says, *Vobis omnibus notum facimus, quod volumus & concedimus ut quod Consilarii nostri omnes, sive major eorum pars, qui fuerint electi à nobis & à gentis plebe in regno nostro, fecerint & facturi sint, &c.* The Word which Mr. Somner translates *gentis plebs* (the common People of the Land) is *Landestolk*, the Folk of the Land, and it is to be understood as comprehending not the *plebs*, or *Commons* only, but the whole Community, and so as a learned Writer (d) has well observed, it is render'd by the Parliament

(a) P. 412. (b) an. 1261. (c) It's published likewise by Mr. Tyrrel Append. Vol. 2. p. 25. (d) Rights of Convoc. p. 314.

it self; who commanded it to be published in 3 several Languages, *Latin, French, and English.* (a) The French Translation has *par la Commune de nostre Reaume.* And the *Annals of Burton*, in which the (b) *French Charter* is extant, and which were written at the same time, tell us, that the Charter was order'd *de communi D. Regis, & Communitatis consilio*, to be published in 3 several Languages.

But who were comprehended in this *Community*, and who the *Folk of the Land* were, whether they were only the *Military Tenants*, as that worthy Author thinks, or others beside them is still a Question. By comparing all things together, I cannot easily perswade my self, but that there were others beside them. When the *Annals* say that the 12 were chosen by the *Earls and Barons*, they seem to mention them only because they were the chief, as is usual with all Historians.

That the *Burton Annals* by the *Community of England* understood a larger *Community* than that of the King's *Military Tenants*, may be gathered, I think, from what they tell us of the *Parliament* call'd the *Michaelmas* following. And from thence it evidently appears, that in that *Parliament of Mich.* there were a great number of other *Commons* present. (c) *Festivitate S. Edwardi R. & Confessoris in Quindenam S. Michaelis ap. Westm. per D. Regem regaliter celebrata, Communitas Bachelerie Angliæ significavit D. Edwardo F. Regis Comiti Gloverniæ & aliis juratis de Consilio apud Oxoniam, quod D. Rex totaliter fecerat & adimplevit omnia & singula, quæ providerant Barones & sibi imposuerant facienda; & quod ipsi Barones nihil ad utilitatem Reip. sicut promiserant fecerunt, nisi commodum proprium & damnum Regis u-*

(a) P. 317. (b) p. 304. 314. (c) p. 425.

biq; & quod nisi inde fieret emendatio, alia ratio pactum reformaret. D. Edwardus statim pro se respondit, quod juramentum quoddam fecerat apud Oxoniam etiam invitus, sed non propter hoc quin foret paratus ad præstandum sponte dictum juramentum, & ad exponendum se morti pro Communitate Angliæ, & pro utilitate Reip. secundum quod juratum extitit apud Oxoniam: Et mandavit præcise Baronibus de Consilio juratis, quod nisi juramentum suum prædictum adimplerent, ipse usq; ad mortem staret cum Communitate, & promissa faceret adimpleri. Tandem videntes Barones magis expedire promissa sua per seipsos adimpleri quam per alios, publice facerunt Provisiones suas promulgari subsequentes.

I dare not say with the learned Author but now mention'd, that *Communitas Bachaleriæ Angliæ*, was the same with the Community of England, but 'twas certainly a part of it, viz. a Part of the Commonalty. Neither am I well satisfied that the *Commons of England* assembled in Parliament were ever in general called *Bachelers*. K. Richard II. in the first year of his Reign, is said to have constituted certain Persons to be of Counsel to him, 2 Earls, 2 Barons, 2 Bannerets, and 4 Bacheliers. And in the Instrument of his Deposition the Lower House of Parliament are called the *Bachelers and Commons of the Land*. But by *Bachelers* in those 2 Places is to be understood, I think, not the *Commons* in general, but *Knights*, and to this very day simple *Knights* are stiled *Knights Bachelers*. Which Name of *Knights* (or *Soldiers*) *Bachelers*, is expressly mentioned by M. Paris in the Reign of this Prince ad an. 1249. where he tells us, that at a *Torneament* at *Blackly* there were slain *multi de Militibus universitatis Regni, qui se volunt Bachelarios appellari*. They were the brisk and warlike Commoners. That the *Bachelers* mentioned as present in this Parliament of H. 3. were not Persons sent up in an orderly manner to repre-

represent the *Counties, Cities, and Boroughs*, but certain Persons who in those very tumultuous times came up to Parliament of their own Accord from all Parts, upon Pretence of reforming the State, appears from what *Wikes* says of 'em. He tells us, as the learned Author himself observes, that the *inferior sort of People*, who in every Town and Borough, did without and against the governing Part of it, combine together for the Redress of Grievances, stiled themselves by that name. *Wikes* out of his Zeal for the *Crown*, was a very great Enemy to all these Proceedings, and therefore he calls 'em the *inferiour sort of People*: But perhaps he meant only, below the degree of the Nobility. This Community of *Knights Bachelors* or *Military Reformers*, I take to have been likewise present in the *Oxford* Parliament, where the Historians observe, that there came together a great number of warlike People with Horse and Arms: Tho' *M. Paris* speaks of them as the Barons own Military Tenants. It was doubtless a vast Conflux of People of all sorts.

The *Jurats, &c.* who govern'd the Kingdom, and had Power given 'em by the *Oxford* Parliament to make what Ordinances they thought fit, being now threatened by those bold and *Military Reformers*, to have the Power taken away from 'em, immediately in that same Parliament published a Set of Laws, which may be seen in the *Burton Annals*, concluding in these Words: *Ces sunt les Purveances & les Establissemenz fetz à Westmoster al Parlement à la seint Michel par le Rei & sun Conseil & les XII. par le Commun conseil esluz par devant le Communance de Engleterre ke dunke fu à Westmoster, &c.* (*An. Regni 43.*)

In the same Parliament it was ordain'd, that every Sheriff should have a Copy of *Magna Charta* in

English, and seal'd with the Great Seal of England: as I learn from the MS. Chron of Dunstaple. *An. 1258. ad Parliamentum S. Mich. provisum fuit per Concilium Regni, quod quilibet Vicecomes haberet Cartam Anglice scriptam & magno sigillo Regis signatam, &c.*

Those Foreign Lords who disliked the Provisions of this Parliament, departing from thence in an angry manner towards Winchester, the K. and the Great Men soon follow'd 'em thither, and there held another Parliament; for fear of which the Foreigners fled beyond-Sea. *M. Westm. Venientes demum D. Rex & Magnates unanimiter Winton. illic aliud tenuerunt Parliamentum.*

On St. Leonard's Day (Nov. 6.) another Parliament was held at London, where the *Universitas Barnagii* are said to be present. *M. Paris.*

The same Year there was a Conference between the English and the Welsh, which the same Historian calls a Parliament.

An. 1259. Richard Earl of Cornwall, K. of the Romans, returning out of Germany, a Parliament then sitting, solemn Messengers were sent to him & Communitate Angliæ, to oppose his coming over, except upon certain Terms. And coming to Canterbury, the Magnates Angliæ obliged him to take an Oath to be faithful to them in promoting the Reformation. Ibid. The K. was there present with almost all the Magnates of the Kingdom, says Wikes ad an. 1258.

On the Octaves of Candlemas a Parliament was held at London, where the *Nobiles Angliæ* were gathered together. *Paris and Westm.*

The same Year, after Easter, *factum est Parliamentum Baronum apud London. Wikes. Totius Baronagii, says Westm.*

On the Quinden of Mich. or the Feast of S Edward

ward, the K. Knighted the Duke of Brittain's Son, *totius Angliæ Magnatibus apud London convocatis*. Wikes — *M. Westm.* mentions *Parliamentum generale Baronum* held about that time to consult about the Itinerant Judges who were to publish the Oxford Provisions agen in the several Counties.

An. 1260. the War began to break out between the K. and the *Proceres Regni*, about the Provisions of Oxford, which the K. refused to observe. And not long after he got his Oath to be dispensed with by the Pope.

A Parliament was summon'd to meet at the Tower; which the Great Men refused to do, for fear of some ill Design, demanding to have it held at Westminster, where Parliaments were wont to be held. MS. Chron. Dunst. An. 1260. *Rex mandavit Magnatibus quod ad Turrim ad Parl. venirent, & renue-*
funt mandantes, quod si placeret ei apud Westm. veni-
rent, ubi Parliamentum tenere consueverunt, & non
alibi, propter quod inter eos orta est dissensio. The K. and the Baronage met afterwards at St. Paul's, as we are told by *Matt. of Westm.*

On S. Edward's Day another Parliament was held at London: mention'd by the same Writer.

An. 1261. after Easter the K. call'd a Parliament. *Rex volebat Parliamentare post Pascha.* Wikes.

On Whitsunday he held a Parliament at Winchester, where he exhibited to the Barons the Pope's Dispensation relating to the Provisions of Oxford. *Ibid.*

About Michaelmas he call'd another Parliament, but the Barones recusabant cum eo Parliamentare. *Ibid.*

On St. Nicholas Day (Dec. 6.) Major pars Baronum convenerunt cum Rege. Some agreed to a Form of Peace; but others absenting themselves it came to no effect. *Ibid.*

On the Quinden of Easter following another Parliament

liament was held at *Westminster* by the K. and *Barons*, for the compromising the Difference that was between them. *Ibid.*

An. 1263. another was held on *Whitsunday* about the same Matter.

And another again on *Sept. 8.* *Wikes* tells us, that there came together *innumerabilis populi multitudo*. But he intimates, that nothing was there agreed upon, the *Barons* being not to be brought to any Accommodation without a full observance of the Statutes of *Oxford*. But we are told by *M. of Westm.* that in that *Colloquium* the Statutes of *Oxford* were publicly promulgated. He likewise speaks of it as one of the greatest Parliaments that had been known *ad An.* 1263. *Ad Nativ. B. V. maxima coadunatur congregatio Londini, Procerum & cæterorum Prælatorum Regni quanta non est visa longo tempore transacto in Angliâ.* (a) *The Rights of Convocations* is mistaken when it makes this to be the same with that of 48 H. 3.

Another was held the same Year, a little after *Michaelmas*, which *Westminster* calls a Great Parliament. *Magnum celebratum est Parl. Londini.* Mention'd also by *Wikes*.

According to *Wikes* the Difference between the K. and the *Barons* was by common consent referr'd to the K. of *France* in a Parliament held at *Candlemas* 1261. But it appears by the Agreement still extant, that it was on *S. Lucy's Day* (*Dec. 13.*) 1263. The K. in the Instrument, mentions none but the *Barons*, as concern'd in the Reference: neither are any others mention'd in the Instrument drawn up by the *Barons*.

(a) p. 307.

In Jan. 126³/₄. (a) the French K. gave Sentence on the King's side, and confirm'd his Judgment with the Pope's Authority, annulling all the Provisions of Oxford, except what relates to the observation of *Magna Charta* (b). *Nolumus autem nec intendimus per præsentem Ordinationem derogare in aliquo Regis Privilegiis, Chartis, Libertatibus, Statutis, & Laudabilibus Consuetudinibus Regni Angliæ, quæ erant ante tempus Provisionum ipsarum.* Those are the Words. This Exception gave a pretence to the Barons to continue the War; for they alleg'd, that all the Statutes of the Parliament of Oxford, were founded on *Magna Charta*.

In the beginning of Lent (c) a Parliament was held at Oxford, consisting only of such as were of the King's Party: Mention'd by *Wikes*, as also by *M. Westm.* ad an. Circa mediam Quadragesimam habito tractatu Rex Angliæ cum Proceribus Regni apud Oxoniam, &c. He calls it afterwards *Colloquium Oxonii*.

An. 1264. (d) a Parliament was held at London, where many of the Barons fell off to the K.

Another (if not the same) was held in June, where Articles of Peace were drawn up and Sign'd: In which Parliament it is certain that the Community of England, distinct from the Peers, were present. (e) *A. D. Rege & D. Edwardo, Prælati & Proceribus omnibus, & Communitate totâ Regni Angliæ communiter & concorditer approbata.* Seal'd by the Bishop of Lincoln, and 6 others (of whom the Mayor of London is one) in Parlamento Lond. de consensu, voluntate & præcepto D. Regis, necnon Prælatorum, Ba-

(a) *Wikes*. (b) *Contin. Paris* 850. (c) *Wikes* p. 58. 60. (d) *Contin. Paris* p. 851. (e) *Rot. Pat.* 41. H. 3. m. 6. Dorle.

ronum, ac etiam Communitatis tunc ibidem præsentium.

Another was held at *Canterbury* about 8. Sept. in which likewise the Community of *England*, distinct from the *Barons*, were present ; as appears by this Record (a), produced (as the other also is) by the very worthy Mr. *Petit : Rex* (b), &c. *Cum super præteritis guerrarum discriminibus in Regno Angliæ subortis, Quædam Ordinatio seu forma Pacis, de nostro, Prælatorum, Baronum & totius Communitatis Regni prædicti unanimi voluntate & assensu providâ deliberatione inita fuerit, &c. In cujus rei test. huic scripto Nos Rex Angliæ, Comes Leyc. (with 6 others) pro nobis & ceteris Baronibus & Communitate Regni Angliæ sigilla nostra apposuimus. Dat. ap. Cant. die jov. prox. post. Fest. Nativ. B. V. An. 1264.* *Matthew of Westminster* makes it to be held in *London*, and to be one of the greatest that ever had been.

A little after that (as it seems) a *Colloquium Procerum* was held at *Oxford* : Mention'd by *Mat. Westm.*

Dec. 13. the same Year of *Christ*, but *Regni* 49. another was held at *Worcester*, where were made certain Provisions and Constitutions, which were afterwards publish'd in the Parliament of *Marlborough*, and are contain'd in the Statutes of *Marlborough*. They are extant as publish'd at *Worcester* in a MS. (c) of *Bennet Coll.* in *Cambridge*, and in another in the *Cottonian Library*. In the King's Writ for the observation of 'em it is said : *de consilio Prælatorum & Magnatum nostrorum præcipimus, &c.* They are ordered to be publish'd in the *County-Courts, Hundreds,*

(a) Ibid. m. 4. Dorso. (b) *Rights of Com.* p. 37. (c) See *Mr. Tyrrel's Append.* Vol. 2. p. 33.

Wapentakes, and Court Barons, in utilitatem totius Communitatis Angliæ.

An. 126⁴/₅. Regni 49. on the Octaves of Hilary at London was held that famous Parliament, to which (as Dr. Brady contends) 2 Knights for each Shire, and 2 Burgesses for each City and Borough, as at this Day, began first to be summon'd. There were summon'd by particular Writs (a) 13 Bishops (of whom one was only Elect) 65 Abbots (of whom one likewise was only Elect) 34 Priors, 3 Masters of Orders, as the Master of the Order of Sempringham, the Prior of the Hospital of St. John of Jerusalem in England, and the Master Miliciæ Templi in Angliâ; 5 Deans, viz of York, Exon, Wells, Sarum, Lincoln: 5 Earls, 18 Barons.

Item mandatum est (says the Record) *singulis Vicecomitibus per Angliam; quod venire faciant 2 Milites de legalioribus & discretioribus Militibus singulorum Comitatum, ad Regem London: in Octabis prædictis, in forma supradictâ.*

Item in forma prædictâ scribitur Civibus Ebor. Civibus Lincoln, & cæteris Burgis Angliæ; quod mittant in formâ prædictâ duos de discretioribus & legalioribus & probioribus, tam Civibus quam Burgenfisbus suis.

Item in formâ prædictâ mandatum est Baronibus & probis hominibus Quinq; Portuum.

It appears by the Record, that there were none of the Clergy below Priors, besides the 5 Deans, summon'd by any particular Writ, and that the Bishops were not commanded to summon the Inferiour Clergy, appears also from the Writ which was sent them. It is the first in the *Summationes ad Parliamentâ*; and because it is common, I shall not here transcribe it. Only observe, that they are sum-

(a) The Archbishop of Canterbury is not mention'd in the List, because he was then beyond-Sea.

mon'd to appear at London, nobiscum, & cum Prælatiſ & Magnatibus noſtris, quos ibidem vocari fecimus, ſuper præmiſſis tractaturi & Conſilium impenſuri.

The Parliament being over, the K. immediately iſſued out his Writ for Expences to be paid the Knights of Shires, and to be rated and levied by 4 Knights of the County (a).

R. Vic. Ebor. ſalutem (a). Cum nuper vocari fecerimus duos de diſcretioribus Militibus ſingulorum Comitatum noſtrorum Angliæ quod eſſent ad nos in Parl. noſtro apud Lond. Uctabis S. Hilarii prox. præterito ad tractandum nobiſcum & cum Conſilio noſtro ſuper deliberatione Edwardi filii noſtri chariſſimi & ſecuritate inde facienda, necnon & aliis arduis regni noſtri negotiis, ac iidem Milites moram diuturniorem quam credebant traxerint ibidem propter quod (non) modicas fecerint expenſas: Cùmq; Communitates dictorum Comitatum varias hoc anno fecerint præſtationes ad deſenſiones regni noſtri, & maxime partium maritimarum contra hoſtilem adventum alienigenarum, per quod aliquantulum ſe nimium ſentiunt gravatas: Tibi præcipimus quod 2 Militibus, qui pro communitate dicti Comitatus præſato Parlamento interfu-erunt de conſilio 4 legalium Militum ejuſdem Com. rationabiles expenſas ſuas in veniendo ad dictum Parl. ibidem morando & inde ad partes ſuas redeundo, provideri, & eas de eadem Communitate levare facias proviſo quod ipſa Communitas occasione præſtationis iſtius ultra modum non gravetur. T. R. ap. Weſtm. XV. die Febr.

The occaſion of that Parliament's being call'd, was Prince Edward's being put into the Cuſtody of the Barons, as a Hoſtage, after the Battle of Lewes, where the K. himſelf had been taken Pri-

(a) Cl. 49 H. 3. m. 10. Dorſo, out of which I tranſcribed it, more exactly than it is publiſh'd by Pryn. Brev. Parl. part 2.

soner. It was therefore summon'd to consider what ought to be done for the Prince's Redemption, as the Writ of Summons sets forth, and to establish a Peace. The Result we have in *Wikes*, and in the *Annals of Waverly*, ad an. 1264. *Wikes* makes it to be called by the Earl of *Leicester*; because all things, and the K. himself were then in his power. *Vicesimo die Nativitatis Dom. facta est London per Comitum Convocationem minima Procerum Anglicorum, &c.* The *Waverley Annals* call it *magnum Parliamentum*.

And in them we are told, that, among other things Prince *Edward* was there set at Liberty: But not perfectly, as appears from what other Historians say of the manner of his Escape, &c. There is a Charter there produced as a Form of an Agreement drawn up in that Parliament, dated *Regni 49.* and yet it mentions a Parliament held in *June Regni 49.* But that is an Error in the Copy. For the same Charter is still upon Record in the (a) *Charter Roll* of this year, dated *March 14.* and there the Parliament mention'd as held in *June*, is said to be held *Regni 48.* And so it is the same with that which I mention'd in that year. The Provisions of that Parliament are here confirm'd: *Concorditer sit provisum, quod quedam Ordinatio de unanimi assensu nostro, & voluntate Edwardi Filii nostri primogeniti Prælatorum, Comitum, & Baronum, super nostro & Regni nostri statu Londoniæ mense Junii an. r. n. 48. facta inviolabiliter observetur.*

Matthew of Westm. calls this, *magnus tractatus de pace*: And there, he says, the Prince was delivered out of the Earls Custody, but not absolutely: He was kept as a Prisoner at large.

(a) Rot. Cart. 49 H. 3. m. 4. out of which it's published by Mr. Tyrrel Append. Vol. 2. p. 34.

Magna Charta, and *Charta de Foresta*, were there agen confirm'd upon Oath, and all the *Justices*, *Sheriffs*, and *Baillives* were so obliged to swear to the observation of 'em, that no one was to pay any obedience to 'em till they had done it: And Copies were sent to all Counties to be kept there in sure Custody, and to be published at least twice a year in the *County-Court*, first on the *Easter* following, and then agen at *Mich.* and so at those times every year. And the *Prelates* and *Bishops* are required to thunder out their Excommunications against the Infringers of them, as formerly. The Writ that was sent down into all the Counties, together with those *Charters*, may be seen in the *Charter Roll* above mentioned.

In the same manner the Ordinances lately made at *Worcester* are ratified and confirmed, and under the same Penalties commanded to be observ'd and publish'd. *Necnon & omnes Articuli, de nostro & Magnatum terræ nostræ communi assensu dudum provisi, quos nuper apud Wigorniam existentes, per singulos Comitatus sub sigillo nostro transmisimus, inviolabiliter observentur in perpetuum, &c.* The Form of Agreement is directed *Omnibus de Communitate*.

That the Community of the Kingdom, as distinct from the *Barons*, were present in this Parliament of 49 H. 3. the Charter it self mentions, and it's certain that here by the Community of the Kingdom, the *Knights* and *Burgesses* are to be understood. *De unanimi assensu nostro, & voluntate Edwardi filii nostri primogeniti, Prælatorum, Comitum, Baronum, & Communitatis Regni nostri pro regni ipsius pace — concorditer sit provisum, &c. — De unanimi assensu nostro, Edwardi filii nostri, Prælatorum, Comitum, Baronum, Communitatis Regni nostri concorditer provisum est, quod, &c.*

On the 1st. of *June* next following, a Parliament was held at *London*. in which *Peter de Subaudia*, and some others, were tried, (or to be tried) as appears from the Writ directed to the Sheriffs of *Sussex* and *Hereford* for the summoning of 'em by 4 Knights of each of those Counties, to make their Appearance: Extant in the *Summonitiones* pag. 3. and *Dat. March* 19. *Matthew of Westm.* mentions this Parliament by the Name of *Parliamentum Westmonasterii*.

After this the *Prelates*, *Earls*, and *Barons*, in whose power the King now was, came together at *London*, where among other things it was provided, that two *Earls*, and one *Bishop* chosen *ex parte ipsius Communitatis*, should choose 9 Persons, whereof 3 should be always about the K. and nothing should be done but by the consent of the 9. or at least of the 3. And to this they forced the K. to submit, threatening to depose him, and to keep the Prince in perpetual Imprisonment, if he would not sign an Instrument to that purpose. So an Instrument was signed, *omnibus Episcopis, Comitibus, & Baronibus consentientibus*. M. Westm.

Our Historians make *Simon Montfort* to be kill'd in Battle, *June* 16. 1265. but I think it was somewhat later. He being slain, and the War thereby in a manner at an end; on *Sept.* 8. a Parliament was held at *Winchester*, where the City of *London* was deprived by the K. of its Liberties and Priviledges, for having sided with the Barons against him. Who were there conven'd, we learn from the *Annals of Warverly*, *ad an.* 1265. *Ad festum Exaltationis sanctæ Crucis factum est Parliamentum magnum apud Wintoniam, quo vocati sunt omnes Magnates terræ, & omnes Uxores Comitum, Baronum, Militum, in bello occisorum, vel captivorum*
in

in persona (pris.) existentium. Mandati sunt super omnes Episcopi, Abbates, Priores, Baronias tenentes cum servitio D. Regis debito. Exceptis 4 Episcopis, qui vocati ibidem non fuerant, scil. Episcopus Lincolnæ, Ep. Londoniæ, Ep. Wyrcestriæ, Ep. Cicestriæ. The reason why these were not summon'd, was, because they were of *Montfort's* Party; and the Business of that Parliament was to punish and disinheret the King's Enemies.

Lewelin Prince of *Wales*, making an Inroad into the Parts about *Chester*, the Parliament of *Winchester* was forced to break up without compleating the Business it met about.

The *Christmas* following there was held at *Westm. maximum Parliamentum Nobilium*; where the *Nobiles regionis* came together, *de pace Regni, more solito tractaturi.* *M. Westm.*

The next year having taken the Castle of *Kenelworth*, which till that time held out against him, he held a *Parliament* there *Aug. 24.* by whose Authority certain Commissioners were appointed to consider how they that had stood out against the K. should be punish'd. 3 Bishops, and 3 Barons Natives of *England* were chosen, and they were to choose 3 Bishops, and 3 Barons more; and if they could not agree, then *Othobon* the Pope's Legat, and *Henry* the King's Brother's Son, should be added to their number. The Decree of those Commissioners is extant in *Rastal's* Collection of our *Acts of Parliament.* Where 'tis entituled, *The Award made between the K. and his Commons at Kenelworth.* But by *Communes* the *Latin* Word, or *le Commun* the *French*, which he follow'd, the whole Community is to be understood. In two ancient MSS. which I have seen in *Lambeth Library* (a), it bears only this Ti-

tle : *Dictum de Kenilworth*. The Commissioners say in their Decree, that they had Authority given 'em à D. Rege & aliis Baronibus & Consiliariis. — Datum & publicatum in castro apud Kenillw. pridie Cal. Novemb. an. D. 1266. Regni vero Dni. H. Regis Angliæ illustris an. 51. See Mat. of Westm. ad an. 1266.

In the same Parliament *Magna Charta* was agen confirm'd : *Annales Waverl.* Ad festum S. Bartholomæi Apost. factum est Parliamentum magnum apud Kenilworth, ubi D. Rex concessit Baronibus suis antiquam Cartam. — Provisum ibidem est per assensum Regis, Edwardi, Legati, Episcoporum, Abbatum, Baronum omnium ibidem existentium, ut eligerentur 5. Viri, &c.

This Decree being published at Kenilworth, Octob. 31. At the same time a Parliament was held at Portsmouth, for the Confirmation of it. *Annales Waverl.* Factum est autem quod D. Rex vocasset omnes Episcopos, Abbates, Priores, Comites, Barones apud Portsmouth die Martis prox. ante festum Omnium Sanctorum ad confirmandam pronunciationem Duodecim, & factâ pronunciatione, adjudicati sunt terris suis omnes exhæredati, &c. During the same Parl. the Legat there suspended those Bishops who had sided with the Barons, and Excommunicated all such as then stood out against the K. About the same time the K. submitted himself and his Kingdom to be governed by 4 Bishops, 4 Earls, and 4 Barons ; who for the Reformation of the Kingdom, publish'd there an Ordinance (*dictum suum pronunciarunt*) the Day before the publication of the Decree of Kenilworth, and the Day before the Parliament there. So the *Annals* tell us. But it was done, in all likelihood, in the time of the Parliament. About the same time, and, I suppose, in that Parliament, a great Tax was granted to the K.

In the same Year, I mean of the King's Reign, which falls in for the most part with 1267. there were other Laws made by this Prince, chiefly concerning the *Exchequer*, which may be seen in *Rastal*. One of 'em relates to the Law, and is concerning general Days in the Bench. The Statutes of the *Exchequer* were writ originally in French. In which Tongue they are extant in the antient MSS.

An. 126⁶₇. at Christmas he held a Parliament at Westminster: *Cum potentioribus terræ suæ*. M. Westm

An. 1267. Rex citari fecit Comites, & Barones, Archiepiscopos, Episcopos, & Abbates, omnesq; communiter militare servitium sibi debentes, to meet at Bury with Horse and Arms to attack the Isle of Ely. Being met together, a Parliament was there held, and a Subsidy granted by the Clergy. The K. puts in a Petition, and the Clergy give their Answers to each Article of it. See the Contin. of M. Paris ad an.

Novemb. 18. on the Octaves, or (as our Law-Books call it) the Utas of S. Martin, Regni 52. in a Parliament at Marlborough were made those Statutes which are extant under the Title of *Statutum*, or *Statuta de Marleberg*. In which, among many other things, *Magna Charta*, and *Charta de Foresta* are agen confirm'd. It was call'd indeed for the renewing and establishing the Body of the Laws of England. I have already observ'd that the Provisions of the Parliament of Worcester are all contain'd in these Statutes. The Continuator of M. Paris misplaces this Parliament ad an. 1269. *Hoc anno in Octavis S. Martini Parliamentum tenuit apud Marleberwe, in quo de assensu Comitum & Baronum, edita sunt statuta, quæ de Marleberwe vocantur*. The Preface according to divers MS. Copies in Lambeth Library: An. 92. 1257. Regni autem D. H. filii R. Joh. 52. in Octabis S. Martini, providente ipso D. Rege ad Regni sui meliorationem

nem & ad exhibitionem justitiæ prout Regalis officii exposcit utilitas plenior, convocatis discretioribus ejusdem Regni, tam de Majoribus quam de Minoribus, ita provisum est & Statutum, ac concorditer ordinatum quod, &c. So 2 Copies (a) have it; and that is doubtless the right Reading. So another (b) has *tam ex majoribus quam minoribus*. But 3 other (c) Copies leave out *de*, and have only *tam majoribus quam minoribus*, which somewhat alters the Sense.

An. 1268. about June, or afterward, a Great Parliament was held at Northampton by the K. & alii Magnates Regni, where Othobon the Pope's Legat, took his leave to return home, and Prince Edward, and many of the Great Men, took the Cross, and engaged themselves to go to the Holy-Land. *Annal. Waverl.*

Octob. 15. in a Parliament held at Winchester the K. made Prince Edward, Seneschal of England.

An. 1269. on the Quinden of Easter a Parliament was held at London, convocata Magnatum Angliæ multitudine copiosa, mention'd by Wikes.

The same Year 3 Id. Octob. in a Parliament consisting of the Burgesses of Cities and Boroughs, as well as of the Nobility, the Relicks of Edward the Confessor at Westminster, were placed in a richer Repository. Wikes: *convocatis universis Angliæ Prælatibus & Magnatibus, necnon cunctarum regni sui Civitatum & Burgozum potentioribus*. — Celebrata tandem tantæ translationis solemnitate, cæperunt Nobiles, ut assolent Parliamentationis genere de Regis & Regni negotiis pertractare, &c. Where a Tax was granted upon the Laity, in part towards Prince Edward's Expedition to the Holy-Land. The *Waverly An-*

(a) 4to. 26. 105. (b) 4to. 175. f. 300. b. (c) Fol. 166, &c. 179. 8, 9.

nals tell us, that this Translation of St. Edward, was perform'd, *Factâ convocatione Episcoporum, Comitum, Baronum, Abbatum, Priorum, & multorum aliorum.*

An. 1270. *factum est Parliamentum omnium Magnatum Angliæ*, to treat of a Tax, and of the Prince's Expedition to the Holy-Land. It was held on the Quinden of Easter (a) and Prorogued to the Octaves of St. John Baptist, or July 1. at what time there came together at London, *omnes fere Magnates ad tractandum de præmissis*, as the Annals of Waverly tell us.

An. 1271. on the Octaves of Epiphany, *Magnates Regni Parliamentum suum tenuerunt London, ubi per communem assensum*, the disinherited Lords, &c. were restored to their Lands.

There is extant in the Close Roll of this Year, which was Regni 54. (b) a Writ directed to 2 Commissioners appointed to levy the Tax in Dorsetshire, Dated Dec. 14. in which the Knights of Shires and Burgeses seem to be mention'd as present in that Parliament: *Cum occasione Vicesimæ nobis in Subsidium Terræ Sanctæ concessæ, tam à Magnatibus & Militibus, quam aliis Laicis Hominibus, &c.*

An. 1272. Sept. xi. a Parliament was held at Bury, mention'd by Barthol. de Cotton in his Hist. of Norwich, — Nov. 16. the K. died.

According to Mr. Camben, about the end of this Reign the Privilege which all the King's Tenants in Capite had to be call'd to Parliament, was taken away from 'em by reason of their Rebellion; and it was ordain'd by the K. that for the future, such only should come to Parliament as should be sum-

(a) Annal. Winton. p. 313. (b) Publish'd by Mr. Tyrrel Append. Vol. 2. p. ult.

mon'd by a special Writ. And this they take to be the beginning of *Barons by Writ*, in contradistinction to *Barons by Tenure*. Mr. *Camben* quotes an old nameless Writer for what he says. Mr. *Selden* however is of Opinion that there was no such Law made about this time, but rather nearer up to K. *John's* time. See his *Tit. of Hon.* p. 712, &c.

Of a Law made in the 18th of this King, concerning *Bastardy*, See *ibid.* p. 722.

Bracton (a) the great Lawyer, who lived in this Reign, speaks of Acts of Parliament as made *Ex communi consensu totius Regni*.

How far the Inferiour Clergy were concern'd in Parliament after the beginning of Ed. I.

I Intended to have added much more concerning *Parliaments* in general after the beginning of *Ed. I.* but I find this Volume grows too fast upon me. I shall therefore content my self at present to have brought down the general History of *Parliaments* to the beginning of that Prince, from whose 22th Year we have an uninterrupted Series of *Parliaments* down to our own times, in the *Summonitiones ad Parl.* publish'd by Sir *W. Dugdale*, and in whose time the present Constitution of our *Parliaments* was so far settled, as that by a Law solemnly publish'd as an Addition to *Magna Charta*, with *Excommunications*, it was enacted, that no Tax should

(a) l. 2. c. 16.

be levied without the consent of the *Knights and Burgeses* in Parliament. (a) *Nullum Tallagium vel Auxilium per nos vel hæredes nostros in Regno nostro ponatur seu levetur sine voluntate & assensu totius Archiepiscoporum, Episcoporum, Comitum, Baronum, Militum, Burgensium, & aliorum liberorum Communitatis de Regno nostro.* In what follows I shall confine myself to the *Inferiour Clergy*, or the *Commons Spiritual* of Parliament, and consider what Interest they formerly had after that time in our State-Assemblies. Only one or two things I shall add, to confute an Assertion of the learned Dr. Brady, who in his late Book Of *Boroughs*, lays it down for certain, that after 49 H. 3. to 23 E. 1. the *Commons* of England were never summon'd to Parliament in the same manner they are now, viz. by *Citizens* and *Burgeses*.

This Assertion appears to be false from what I have already observed of the Parliament of *October 1269.* where, as I have shewn, the *Citizens* and *Burgeses* were present. But I shall give my Reader an Instance, and that too a very curious one, of 4 *Knights* summon'd for every County, and 2 *Citizens* and *Burgeses* for every City and Borough; and not only so, but for every *Market-Town* likewise, 11 E. 1.

K. Edward I. being engag'd in *Wales* in a sharp War, summons a Parliament to *Northampton* on the *Octaves of Hilary*, Regni XI. by the following Writ, which I transcribed out of *Rot. Walliæ* 11 E. 1. m. 4. Dorso.

Rex Vic. Norff. & Suff. salutem. Quia Lewelinus fil. Griffini &c.—Tibi præcipimus firmiter injungentes quod venire facias coram nobis in Octabis S. Hilarii apud

(a) MS. Lamberth 4to. 105.

Northampton aut coram fidelibus nostris quos ad hoc duxerimus deputandos, omnes illos de Ballivâ ad arma potentes & aptos qui habent ultra 20 libratas terræ & qui nobiscum in expeditione nostrâ Walliæ non existunt, & 4 Milites de utroq; Comitatu prædictorum pro communitatibus eorundem Com. habentes plenariam potestatem: Et de qualibet Civitate, Burgo, Villâ mercatoriâ, duos homines similiter potestatem habentes pro Communitatibus eorundem, ad audiendum & faciend. ea quæ sibi ex parte nostrâ faciemus ostendi. Et nulli de Ballivâ tuâ ultra 20. libratas terræ habenti & ad arma potenti & apto, amore favore munere seu timore vel aliâ quacunq; ratione parcere vel deferre præsumas. Nec etiam aliquem ultra 20. libratas terræ non habentem, licet ad arma aptus seu pronus fuerit, coram nobis vel fidelibus nostris prædictis aliquatenus venire facias ex causâ prædictâ. Et de nominibus omnium illorum quos sic venire feceris, nos vel prædictos fideles nostros ad prædictos diem & locum, per præfatos 4 Milites reddas certiores. Et habeas ibi nomina illorum 4 Militum & hoc Breve. Et hæc omnia sicut te & tua diligis facere non omittas. T. R. apud Rothelam xxiiii. die Novemb.

Eodem modo mand. est Vicecomitibus, Not. & Derb. Sallop. Staff. Cant. Hunt. Essex, Hertford, Buck. Bed. Somerset, Dorset. Surr. Sussex, Warw. Leyc. Oxon. Berk. Kanc. Midd. Northamp. Rotel. Linc. Cornub. Devon. Wilt. Hereford, Wigorn. Glouc. Southamp. quod venire fac. &c. apud Northamp. Et Vicecomitibus Ebor. Cumb. Westmerl. Northumberl. & Lanc. quod venire fac. &c. apud Ebor.

I shall shew by and by, that this Parliament did not meet all together, but was, in a very singular manner, divided into 3 distinct Parliaments, one part of it sitting at Northampton, another at York, a 3d at Durham, under several Commissioners deputed by the K.

The same Year another Parliament was summon'd to meet at *Shrewsbury* on the *Morrow of Mich.* and thither also, besides Knights of *Shires*, there were two *Citizens* summon'd for every *City*, and 2 *Burgessees* for every *Borough*. *Ibid.* m. 2. *Dorso. R. Majori, Civibus, & Vic. Lond.* Et quia cum fidelibus nostris volumus habere Colloquium quid de *David* (*Wal-lens. Principe*) fieri debeat memorato, quem relegatum receperamus, nutriveramus orphanum, ditaveramus de propriis terris ipsum inter majores nostri palatii collocantes; vobis mandamus quod duos de sapientioribus & aptioribus *Civibus* prædictæ *Civitatis* eligi facias & eos ad nos mit-tatis. Ita quod sint ad nos apud *Sallop.* in *craft. S. Mich. prox. fut. vobiscum* (*nobiscum*) super hoc & aliis locuturi. Et hoc nullatenus, &c. *T. R. ap. Rothel. xxviii. die Jun.*

Eodem modo mandatum est omnibus subscriptis.

<i>Majori & Civibus Winton.</i>	<i>Ball. de Scardeburg.</i>
<i>Maj. & Ballivis Novi Ca-</i> <i>stri super Tynam.</i>	<i>Maj. & Ballivis de Grimes-</i> <i>by.</i>
<i>Majori & Civ. Ebor.</i>	<i>Maj. & Ball. de Lenn.</i>
<i>Majori & Ball. Bristol.</i>	<i>Ballivis de Colcest.</i>
<i>Maj. & Civ. Exon.</i>	<i>Ball. & probis hominibus de</i> <i>Gernem.</i>
<i>Maj. & Civ. Lincoln.</i>	<i>Maj. & probis hominibus</i> <i>Hereford.</i>
<i>Maj. & Civ. Cant.</i>	<i>Maj. & probis hom. Cestr.</i>
<i>Maj. & Civ. Karl.</i>	<i>Ball. & probis hom. Sallop.</i>
<i>Ballivis Norwic.</i>	<i>Maj. & probis hom. Wi-</i> <i>gorn.</i>
<i>Majori & probis hominibus</i> <i>Northampt.</i>	
<i>Ballivis Notting.</i>	

In the very beginning of this Prince, an. 127²₃. his Father dying while he was in the *Holy Land*, a Convention of the States was summon'd, to settle the Peace of the Kingdom till he should return,
con-

consisting not of the *Lords* only, but of 4 *Knights* for every *Shire*, and as many *Citizens* for every *City*. This the *Waverly Annals* assure us. *Hoc anno scil. post Festum S. Hilarii, factâ Convocatione omnium Prælatorum, & aliorum Magnatum Regni apud Westm. post mortem illustris Regis Henrici, convenerunt Archiepiscopi, Episcopi, Comites, & Barones, Abbatess & Priores, & de quolibet Comitatu quatuor Milites, & de qualibet Civitate quatuor.* All these, says my Author, in the Presence of the Regents took an Oath of Fidelity to K. *Edward*. And there it was provided, that there should be no *Itinerant Judges*, except only of the *Bench*, till the King's Return.

I might add other Instances : But for these I refer the Reader to *the Rights of Convocations*, p. 311.

But one thing more I cannot but mention as a Piece of Curiosity, which is a *Charter* pretended to anciently by the Town of *Barnstaple* in *Devon*. in which the Priviledge of sending up 2 *Burgesses* to Parliament is pretended to have been granted 'em by K. *Athelstan* before the *Conquest*. 14 E. 3. a Petition was exhibited to the K. in Parliament, by the Town of *Barnstaple* in *Devon*. setting forth that by a *Charter* granted 'em by K. *Athelstan*, among other Priviledges they had the Power of sending 2 *Burgesses* to Parliament, and that this they had done time out of mind. Upon this the K. grants a *Writ* of Enquiry, and commissions certain Persons to empanel a Jury touching the Priviledges they pretended to. I have seen the *Writ* of Inquisition among the Records of the *Tower*, (*Escheat Bundle*, 18 E. 3.) Dated, Jun. 23 regni 14. *Edwardus &c. Sciatis quod cum nuper ad prosecutionem Burgensium Villæ de Barneſtaple in Com. Devon. per petitionem suam coram nobis & Consilio nostro exhibitam nobis supplicantium, ut cum Villa prædicta à tempore cujus contrarii memoria non existit, liber Burgus fuerit, iidemq; Burgeses & eorum*

antecessores Burgenses Villæ prædictæ diversis libertatibus & liberis consuetudinibus per Cartam celebris memoriæ Domini Athelstani dudum Regis Angliæ progenitoris nostri quæ ad liberum Burgum pertinent à tempore Confectionis dictæ Cartæ usi fuerunt & gavisi, in hoc, viz. quod ——— debeant ad singula Parlamenta nostra & dictorum Antecessorum nostrorum duos Burgenses pro Communitate ejusdem Burgi mittere, necnon in singulis taxationibus & subsidiis nobis seu progenitoribus nostris quondam Regibus Angliæ per Cives & Burgenses ejusdem Regni ante hæc tempora concessis, per seipsos & non cum forinsecis taxari, &c.

In the same *Escheat Bundle* there is a Writ of Return to that Writ of Enquiry setting forth ——— quod singula Parlamenta duos Burgenses pro Communitate dicti Burgi mittere solebant. Item dicunt quod in singulis taxationibus & subsidiis D. Regi & Progenitoribus suis per Cives & Burgenses ejusdem regni ante hæc tempora concessis per capitales taxatores comitatus prædicti & non per seipsos taxati sunt & hætenus solebant, &c. This Writ of Return declaring against some of their Privileges, they petitioned agen in the 17th of the same Reign for another Writ of Enquiry, which was granted May 18. setting forth as above, and then by a Writ of Return all the Privileges they pretended to, were ratified. The Writs both of Enquiry and Return, of 17 E. 3. are to be seen in the same *Escheat Bundle* of 18 E. 3. and that of Enquiry I have also seen in *Pat. 17. E. 3. p. 1. m. 20. dorso*. The Return sets forth that all was true what they claim'd in their Petition, that according to *K. Athelstan's Charter*, from the time of making that Charter, they had all along been a free Borough and had enjoyed those Privileges they pretended to.

But I bid farewell now to the *Commons Temporal*, and go on to the *Spiritual*.

A Form of Parliament very much resembling our ancient English Parliaments, I find there was among our Neighbours the *French* in the time we are now upon, consisting not only of the *Barons*, *Bishops*, *Abbots*, and *Priors*, but also of *Deans*, and *Præpositi*, and the Proctors of *Conventual* and *Collegiate* Churches; as also of the Representatives of Cities and great Towns. But the *Diocesan* Clergy do not seem to have had any place in their Parliaments. *P. Boniface VIII.* having pretended to be Lord of *France*, as well in *Temporals* as *Spirituals*, and declaring to *K. Philip the Fair*, as well by his Nuncio as by Letters, *quod de regno suo temporaliter Papæ subesse, illudq; à Papa tenere deberet*, a most general Parliament was conven'd at *Paris* by the *K.* to consider what Answer to return him. The Letter which was sent by the Parliament to the Pope, I have seen in Archbishop *Winchelsea's* Register, wherein are these Words: *Rex de Baronum ipsorum consilio, tunc absentes Barones cæteros, ac nos, viz. universos Archiepiscopos & Episcopos, Abbates, Priores Conventuales, Decanos, Præpositos, Capitula, Conventus atq; Collegia Ecclesiarum tam Cathedralium quam Collegiatarum, Regularium & Secularium, necnon Universitates & Communitates Villarum Regni sui, ad suam mandavit præsentiam evocari, ut Prelati, Barones, Decani, Præpositi, ac duo de peritioribus universitatibusq; Collegiatarum vel Cathedralis Ecclesie personaliter: Cæteri vero per Iconomos, Syndicos, Procuratores idoneos cum plenis & sufficientibus mandatis, comparere statutis loco & tempore curaremus. Porro nobis cæterisq; Ecclesiasticis personis supradictis, necnon Baronibus, Iconomis, Syndicis, & Procuratoribus Communitatum & Villarum, & aliis sic vocatis, juxta præmissæ vocationis formam ad mandatum Regium hac die Martis decimâ præsentis mensis Aprilis in Ecclesia B. Mariae*

via Paris. in præfati Regis præsentia constitutis, idem D. Rex proponi fecit, &c.

To the Parl. of Northampton, which was held XI. E. I. (of which above), by a Provincial Writ directed to the Archbishop of Canterbury, not by the usual Writ sent out to the several Bishops, were summon'd the Bishops, Abbots, Priors, and other Prefects of Religious Houses, together with the Proctors of Deans and of Chapters of Collegiate Churches, without any mention of the Archdeacons or the Parochial Clergy. As the Laity were summon'd to meet there before the K. or his Commissioners, so were likewise the Clergy. I have seen the King's Writ directed to the Archbishop in the Tower, Rot. Walliæ XI. E. I. m. 4. dorso (a): and the Archbishop's Mandate sent out to the Bishop of London reciting the same Writ, I have met with in the Register of Peckham, in these Words.

(b) *Frater I. &c. Lond. Episcopo, &c. Literas Dni. Regis die Merc. prox. post festum S. Nicholai apud Hereford recepimus in hæc verba: Edwardus, &c. Cant. Archiepiscopo, &c. Quia Lewelinus fil. Griffini & complices sui inimici & rebelles nostri totiens temporibus nostris & progenitorum nostrorum Regum Angliæ pacem regni turbarunt & rebellionem suam & malitiam jam resumptam continuare non desistunt animo indurato, propter quod negotium, quod ad ipsorum malitiam reprimendam jam incepimus de consilio Prælatorum, Procerum, & Magnatum regni nostri, necnon & totius communitatis ejusdem, ad præsens proponimus ad nostram & totius regni pacem & tranquillitatem perpetuam Domino concedente finaliter continuare commodius & decentius esse perpendimus, quod nos & incolæ terræ nostræ ad ipsorum malitiam totaliter destruendam pro communi utilitate la-*

(a) Publish'd by Pryn, Eccl. Jurisd. Tom. 3. p. 301.
(b) Fol. 82.

boribus & expensis fatigemur hac vice licet onus difficile videatur, quam huiusmodi turbatione futuris temporibus cruciari prout tempore nostro & progenitorum nostrorum contigit manifeste vobis mandamus rogantes quatenus Suffraganeos vestros & Abbates, Priores, ac alios singulos domibus religiosis præfectos, necnon & Procuratores Decanorum & Capitulum Ecclesiarum Collegiatarum vestrae & Suffraganeorum Dioc. venire faciatis coram vobis apud Northampton in Octab. St. Hilarii vel fidelibus nostris quos ad hoc duxerimus deputandos. Et vos eisdem die & loco interfutis ad audiendum & faciendum ea quæ pro rep. vobis & eis super hiis ostendi faciemus, & ad præstandum nobis consilium & iuvamen, præsertim cum vestra sicut aliorum interfut, per quod negotium inceptum, ad laudem & honorem Dei, & magnificentia nostræ famæ ac totius regni nostri & Populi pacem & tranquillitatem perpetuam valeamus hac vice prout intendimus feliciter consummare. T. meipso apud Rothelan. XXII. die Nov. An. r. n. undecimo. Quia igitur Regiæ Majestati tenemur quantum secundum Deum possimus obedire, quamvis vestrarum & Coepiscoporum & aliorum gravaminum multiplex importunitas videatur huic negotio plurimum adversari, vobis hiis non obstantibus dolentes & inviti in virtute obedientia districte ut possumus præcipiendo mandamus, quatinus in forma mandati Regii ad præfixos diem & locum venire curetis, citantes nihilominus ad hoc ipsum Abbates, Priores, & alios singulos domibus religiosis præfectos exemptos quidem in locis non exemptis, si alia loca habeant, vel si non habeant, per viam aliam efficacem, & eodem modo Decanos & Capitula non exempta prout & exempta vestrae Dioc. ut dictis die & loco compareant ob reverentiam Regiæ Majestatis de expedientibus reip. tractaturi. Citetis insuper omnes Suffraganeos nostræ Prov. ad hoc ipsum, quibus omnibus districte præcipimus, ut in eadem formâ subditos suos in eisdem die & loco faciant convenire. Quod personis Episcoporum eo debet esse facilius

lius quo ut speramus firmiter circa idem tempus Electus Herefordensis poterit eorum præsentia favente Altissimo consecrari. Quid autem feceritis in præmissis nos dictis die & loco per vestras patentes literas harum seriem continentes curetis reddere certiores. Valete. Dat. Hereford. IV. Id. Dec. A. D. MCCLXXXII. Ordin. nos. quarto.

In this Writ they are summon'd to appear before the K. or his Commissioners, but afterwards the K. finding, that, being hotly engaged in the War against the Welsh, he could not be there in Person, issues out another Writ to the Bishops &c. by which he deposes the Earl of Cornwall, the Abbot of Westm. his Treasurer, and the Archdeacon of Coventry, or any 2 of 'em to represent Him.

In the first Writ it is *Procuratores Decanorum &c.* not only as the Writ is recited in the Mandate, but also in the *Tower-Roll*. But it's certain that the Archbishop understood it so as if the Deans themselves were to appear in their own Persons, as well as the Priors, &c. as it is express in this 2d. Writ. I find it in the Register (a), in these Words.

Edwardus, &c. *Ven. in Christo patribus, I. eadem gratia Cant. Archiepiscopo, totius Angliæ Primati, Episcopis, Abbatibus, Prioribus, & aliis domorum religionis præfectis, Decanis, Capitulis Ecclesiarum Cathed. & Collegiatarum de Prov. Cant. & eorum Procuratoribus apud Northampton in instantibus Octab. S. Hilarii conventuris, salutem. Cum mittamus ad vos dilectum consanguineum & fidelem nostrum Edmundum Comitem Cornubiæ, & dilectos nobis in Christo Abbatem Westmonast. Thesaurarium nostrum, & Joh. de Kyrkeby Archidiac. Covent. ad quædam ardua & specialia negotia, nos, & vos & totum Regnum nostrum tangentia,*

(a) Fol. 101. b.

vobis nomine nostro exponenda, dilectiones vestras affectuose requirimus & rogamus quatinus eisdem Comiti, Abbati, & Johanni, vel duobus eorum, quos presentes esse contigerit, firmam fidem adhibentes, ea quæ ipsi omnes vel duo eorum vobis nomine nostro dicent efficaciter explere & expedire curetis amore nostri, prout vobis scire facient ex parte nostrâ. In cujus rei test. has literas nostras fieri fecimus patentes. T. m. apud Rothelan. quinto die Januarii. an. r. n. undecimo.

The Clergy being summon'd to this Parliament for the granting of an *Aid*, they granted none because the *Diocesan Clergy* had not been summon'd to it *more debito*, in such manner as they ought to have been: And therefore the Archbishop, whose Words those are, summon'd a *Convocation* to meet at *London* the *Easter* following, as I shew in the *Convocations* of this Reign. And thither also were sent by the K. the same 3 *Commissioners*, who had been sent to the Parliament of *Northampton*.

At the same time that the Clergy and Laity of the Province of *Cant.* were summon'd to the Parliament of *Northampton*, as the Laity of the Province of *York* were summon'd to a distinct Parliament held the same day at *York*, so were also the Clergy of that Province. For so it is added in the Roll. *Consimiles literæ & de eadem data diriguntur Archiepiscopo Eborum, quod Suffraganeos, &c. venire faciat coram Rege apud Eborum in octavis prædictis, vel coram fidelibus nostris quos, &c.* And as Commissioners were sent with a Writ to the Clergy at *Northampton*, so the Archbishop of *York* himself and *Ant. Beke* Archd. of *Darham* and Secretary to the King, were appointed his Commissioners by Writ, to make Demands in his Name in the Parliament there. Only in this the two Parliaments differ'd, that the K. sent a particular Writ of Deputation to the Clergy assembled at *Northampton*, and another

ther to the Laity, but to the Parliament at York he sent but one only, which was this.

Rex ven. in Chr. Patribus, Episcopis, Abbatibus, Prioribus, Decanis, Capitulis Ecclesiarum Cathed. & Collegiat. de Provincia Eborum, & eorum Procuratoribus ac toti Communitati Cleri Provinciae ejusdem, Militibus, liberis hominibus, Communitatibus & omnibus aliis de singulis Comitatus ultra Trentam apud Eborum instantibus octabis S. Hilarii conventuris salutem. Cum nos occasione praesentis expeditionis, &c. — subsidio fidelium nostrorum Regni nostri opus habeamus ad praesens, nos de benevolentia ven. Patris W. Eborum Archiepiscopi, &c. — ejusdem Archiepiscopo & Antonio tenore praesentium plenam damus potestatem petendi & procurandi nomine nostro, juxta formam per nos eis inde traditam & injunctam, subsidium, ad opus nostrum a fidelibus nostris singulorum Episcoporum & Comitatum Regni nostri ultra Trentam. Et ideo vobis mandamus rogantes quod eisdem Archiepiscopo & Antonio in hac parte firmam fidem adhibentes, ea quae circa praemissa vobis dicent, modis omnibus expleatis prout ipsi vobis scire facient ex parte nostra. In cujus, &c. T. R. ap. Rothelan. 1 Feb.

Tho' by the former Writs the whole Province of York is supposed to meet in that City, yet by other Writs it appears that in the Bishoprick of Durham there was a 3d. Parliament held consisting of the Clergy and Laity of the Bishoprick only, and to that Assembly the K. sent particular Commissioners in like manner (a) *Rex ven. in Chr. Patri R. Dunelmensi Episcopo, & Abbatibus, Prioribus, Decanis, Capitulis, infra Episcopatum Dunelmensem consistentibus, ac Militibus, liberis hominibus, communitatibus Burgorum & Villatum ejusdem Episcopatus*

(a) Vide ibid.

salutem, &c. It was after I had laid this Collection together, and when it could not be well omitted, that I found most of the same Records in the Appendix (a) of *The Rights of Convocations*. The worthy Author will be pleas'd to pardon me for publishing what he had publish'd before. — It is his Conjecture, (b) That all the Northern Clergy, &c. met at York, and that there the Clergy and Laity of the Bishoprick had that distinguishing Privilege of having distinct Commissioners sent 'em. But it appears from the Roll, that the Bishoprick of Durham was not concern'd in the York Assembly, for the Counties that were summon'd thither, are thus reckon'd up, Yorkshire, Cumberland, Westmerland, Northumberland, and Lancashire, without any mention of the County of Durham. This was pursuant to some Privilege of the Bishoprick. And to this very Day the Clergy of the Bishoprick do not come to the York Convocations, but with a *Salvo Jure*.

An. 1294, *vocavit Rex per literas suas Archiepiscopos, Episcopos, Decanos Ecclesiarum Cathed. & Archidiaconos in propriis personis, Clerumq; uniuscujusque Diocesis per 2 Procuratores, ut in Festo S. Matthæi Apost. coram eo compararent Londoniæ.* (c) Knyghton. The Clergy there having granted the K. a Subsidy, petition'd, among other things, for a Reverse of the Statute of Mortmain. The other Articles the K. readily granted, but for that he answer'd; *quod de Concilio Magnatorum suorum fuerat editum & ordinatum, & absq; eorum consilio non erat revocandum.* That the Clergy had their Proxies in this Parliament of September 19. (for so it is there) is observed also in the (d) *Annals of*

(a) Num. 9, 7, 8. (b) p. 222: (c) Col. 2501. (d) p. 516.
Wor-

Worcester. Matthew of Westminster tells us, that the Clerus and Populus were *coadunati apud Westm.* But from what follows, one would think by *Clerus* he meant only the Bishops and Prelates. For he adds, that the *Pontifices & Prælati* were astonish'd at the greatness of the Subsidy which the K. demanded, but for fear of him durst not contradict him, *sed votis Regiis annuentes concesserunt*, &c. But this is no more than what I have elsewhere observed, that Historians many times mention only the Chief Persons concern'd. From those Words *Coadunati*, &c. it should seem that the Clergy and Laity met together; but they afterwards separated, and debated alone, as may be gathered from Knyghton's Relation. In the (a) Register of Henry de Estre the then Prior of Canterbury there are 2 Letters Mandatory sent out by vertue of the King's Writ, and reciting the Writ, by the Prior and Chapter, in the vacancy of the Archbishoprick, one to the Archdeacon of the Diocese, and another to the Commissary of their separate Jurisdiction. There is in the same Register a Writ relating to the Grant, in which it is mention'd, that *quædam sunt ordinata per Prælatos & Cleri Procuratores* exclusively to the Laity (b). And the Clergy's Proctors are there also empower'd to consent to what the Prelats, Archdeacons, and other Proxies of the Clergy should do in common. To the same Parliament it is certain that the York Clergy were likewise summon'd: but they seem not to have appear'd there. For there was nothing (c) there granted for that Province, and the King's Letters Patents are extant which were sent a few Days after to them by the Dean of York, where-

(a) *The Rights of Convoc.* p. 225, 226. (b) *Ibid.* p. 226.
 (c) See *ibid.*

in they are commanded to do as the King's Agent shall direct.

In the Parliament held at *Westminster*, Aug. 1. 1295. 2 E. I. there were some of the Inferiour Clergy summon'd; but they were only such as were *Privy-Counsellors*, or *Clerks of the Counsel* (a). *Eodem modo mandatum est Justitiariis de utroq; Banco, & de Itinere, & Justic' assignatis; Decanis juratis de Consilio; Baronibus de Scaccario; & aliis Clericis de Consilio, quorum nomina inferius annotantur.* The Clergy there mention'd are in number 12. among whom were the *Deans of Lincoln, York, Lychf. and the Archdeacons of Richm. and Estring.*

In another Parliament held the same Year at *Westminster*, die Dom. prox. post festum S. Martini, for an Aid against the French, the Clause *Præmunientes* for the Inferiour Clergy to be cited by each Bishop in his Diocese, is inserted. The Writ is extant in the *Summonit. ad Parl.* A *Procuratorium* granted by the Prior and Chapter of Bath for this Parliament is publish'd by Pryn (b) out of the *Leiger Book* of that Church. It's directed to the K. ——— *Ad tractandum, ordinandum, & faciendum, unà vobiscum, & cæteris Prælatiis, & Proceribus, & aliis Regni incolis in præsentì Convocatione generali.*

That Parliament being Prorogued to the Sunday after S. Andrew's Day, the Clergy were agen summon'd by the Writ of Prorogation. And new *Procuratoria* were granted. That granted (c) by the Prior and Chapter of Bath, runs in the same Form with the other, only with this difference:—*Procuratorem legitimum per præsentès: Dantes eidem plenam & liberam potestatem omnia nostro nomine faciendi;*

(a) Dugdale *Summonit. ad Parl.* p. 9. (b) *Parl. Writs Vol. I.* p. 116. (c) *Ibid.*

quæ nos faceremus si in Convocatione memorata, præ-sentes esse possemus. Another *Procuratorium* granted for this Parliament, after the Prorogation, by the Prior and Chapter of Canterbury is (a) preserv'd in the Register of that Prior. The Writ summons but one for each Chapter, but they send up 2 to act *conjunctim ac divisim, dantes eisdem & eorum alteri potestatem tractandi, ordinandi, & faciendi cum Prælatiis & Proceribus, & aliis Regni Angliæ Incolis in instanti Parl.* It's directed not to the K. but *Omnibus, &c.*

An. 1296. 24 E. I. they were summon'd agen ; as also in the (b) 28th and (c) 35th of the same Reign. And to those Parliaments there were summon'd besides by special Writs, divers particular Clergymen, who were of the King's Counsel ; among them, some *Deans* and *Archdeacons*. For in those Days, and long after, all that were sworn of the *Privy-Council*, as well *Clergymen*, as others, were summon'd to Parliament, and by particular Writs. And in that Convention at *Sarum* an. 1296. which met for the putting the *Bishops* and *Clergy* out of the King's Protection, because they refus'd to grant him a Subsidy, where the Bishops themselves were excluded, even in that such Clergymen as had been sworn of the *Privy-Council* were admitted, as I learn from the *Chronicle of Wales*, a MS. in the (d) Cotton Library : *Rex initio Martii apud Sarum Parliamentum faciens, nullum de Clero, nisi juratos de Consilio suo Parlamento interesse permisit.*

In several other Parliaments which were held in the same King's Reign after his 24th Year, the *Præ-munitory Clause* was omitted, and none besides *Bi-*

(a) Published in the *Append. Rights of Convoc.* num. xi.

(b) *Summonit. ad Parl.* p. 14. (c) p. 26. (d) *Cleop.* D. 3.

shops, Abbots, and Priors were Call'd, as particularly in those of his (a) 27, (b) 29, (c) 30, (d) 33 Years. And yet in this last of his 33d Year, which was held at *Westminster*, to which the *Scots* were summon'd, as well as the *English*, it should seem that the Lower Clergy of that Kingdom were summon'd, though ours were not. For the Writ (e) runs: *Prælati, cæteriꝑ; de Clero; necnon Comites, Barones, &c.*

A *Procuratorium* granted by the Prior and Chapter of *Canterbury*, for the Parliament of *Bury*, 1296 is preserv'd in the Register of that time. It gives *potestatem Ordinandi una cum Prælatiꝑ; & Procuratoribus Cleri totius Prov. Cant. in instante Parl.*——
de quantitate & modo subsidii, quatinus est licitum, &c.

Another granted by the same Church for the Parliament of 1304. runs, *ad faciendum & consent. his quæ in instanti Parl.*——*contigerit ordinari*——*ulteriusꝑ; faciendum una cum Prælatiꝑ; & Clero in dicto Parl. quod permittunt sacrorum Canonum instituta. &c.*

Another (f) granted for the Parl. of 1299. by the Prior of *Bath* alone, being then indisposed, runs thus: *Universis sanctæ Matris Ecclesiæ filiis, &c.*——*ad consentiendum sicut justum fuerit & Canonicum hiis quæ de communi consilio pro utilitate D. Regis & Regni, &c. Ratum habituri & gratum quicquid idem Frater*——*nosster Procurator, cum unanimi Prælatorum Ecclesiast. Procerum, ac Magnatum, & Cleri assensu in præmissis sic duxerit statuendum, &c.* Another was granted at the same time, in the same Words, and to the same Person by the Chapter, running in the Name of the Prior and Chapter.

(a) p. 22. (b) p. 30. (c) p. 36. (d) p. 46. (e) p. 48.
(f) Published by *Pryn Parl. Writ Vol. 1. p. 117.*

Another about the same Year was granted by the Prior and Chapter to 2 Persons *conjunctim & divisim* ——— *comparendi cum ceteris Religiosis, & aliis de Clero Regni Angliæ Proceribus, & Magnatibus dicti Regni causas & negotia, quas vel quæ habuerint in Parlamento tractandi, proponendi, necnon super tractandis & proponendis ibidem Statum dicti D. Regis, & Regni sui, ac etiam Statum Ecclesiæ Angl. concernentibus, &c.*

A List of the Proxies sent by the Clergy to the Parliament of 1307. 35 E. I. which was held at Carlisle, may be seen in the *Placita Parliamentaria*, p. 321, &c. in which this is observable, that the Clergy of the Diocese of Carlisle depute not 2 only, as other Dioceses, but 4 Proxies; and some Dioceses do not send in one Body, but the several Archdeaconries send separately, as the Archdeaconries of Chichester and Lewes, Worcester and Gloucester, send 1 apiece; the Archdeaconries of Surrey, and Winchester, and Salop, 2 apiece. Clerus Archid. Suff. & Sabir. (Sudbury) one; Clerus Archid. Norwici & Norf. one. Many of the Archdeacons send their Proxies, some 1, some 2, some 3. The Chapters send, some 1, some 2. The Dean and Chapter of Wells join together in one Commission, and send 2. The Dean and Chapter of York send but one between 'em. The Dean and Archdeacon of St. Asaph depute the same two that represent the Chapter. Gerens vices Decani S. Pauli Lond. & ejusdem loci Capitulum, send one. This is very remarkable, that some of the Proxies depute others.

Johannes de Wakerle Clericus Procurator Cleri Archidiac. Glouc. habens potestatem alium Procuratorem substituendi, substituit loco suo Johannem de Bray Rectorem Ecclesiæ de Newenton.

Johannes de Wakerle *Procurator Magistri Walteri Burdon Archid. Glouc. habens potestatem alium Procuratorem substituendi, substituit loco suo Johannem de Bray Clericum.*

Hugo de Tychewell *Procurator Cleri Archid. Surr. habens potestatem, &c. substituit loco suo Johannem de Brantingham.*

Some of the *Abbots* instead of *Proxies* send *Letters-Patents*.

Abbas de Cumba *non misit Procuratorem, set promittit per literas suas patentes se ratum & gratum habiturum quicquid in dicto Parl. Rex decreverit salubriter ordinandum.* So also the Abbot of S. Radegundis near *Dover*.

The Bishops that had double Sees, as those of *Bath and Wells* and of *Coventry and Lichfield*, were required to cite the *Deans*, and *Priors* and *Chapters* of both places. So in a *Writ* (a) of 23 E. I. the Bishop of *Bath and Wells* is required to summon the *Dean and Chapter of Wells* and the *Prior and Chapter of Bath*. And this, without doubt, was the Custom to the time of the *Dissolution of Religious Houses*.

An. 1300. 28 E.I. when the Clergy were not summoned to the Parliament held at *Lincoln* (as appears by the *Writ*) *Matthew of Westminster* intimates, that the Bishops, if they had pleas'd, might have taxed the Clergy, but they would not do it. *Ad an. 1300. Sed Robertus Cant. Arch. pro Clero nihil voluit concedere, neq; de temporalitate annexâ Ecclesiæ sine licentiâ summi Pont.* But that perhaps is to be so understood, as that the Archbishop refused, when there desired, to call a Convocation about it. For,

(a) Ap. *Pryn Parl. Writs*, Vol. I. p. 7.

as the same Archbishop said, about the same time, in a Letter to the Pope; (a) *Consuetudo est Regni Angliæ, quod in negotiis contingentibus statum ejusdem Regni requiritur Consilium omnium quos res tangit* And the same may be said of the Church. I have mention'd an Instance of the same kind before.

Edward II. in his (b) first Parliament inserted the Clause *Premunientes*, for the Inferiour Clergy, in his Writs. But in his (c) 2 next Parliaments which were held the same Year, he omitted it. So also in one (d) Parliament of his 2d Year he inserted it, in others (e) of the same Year he omitted it. Agen, it is inserted in the Writs of his (f) 4, (g) 5, (h) 6, (i) 7, (k) 8, (l) 9, (m) 11, (n) 12, (o) 15, (p) 19 Years, and in the 2d of his (q) 14 Year. But in the first of his (r) 14 Year, and in those of his (s) 3, (t) 13, and 19 Years, it is omitted.

In a Record of the Tower, much defac'd and almost rotten, I found a short List of Proxies sent to the Parliament of Northampton. 1 E. II. (x) The Clergy of the Diocese of Durham *constituit loco suo* 2, of the Diocese of York, 1; of Carlisle, 3; of Ely, 2; of the Archdeaconry of Salop, 2; of the Diocese of Bath and Wells, 2. The Chapter of York constituted 2; of Hereford, Pauls, and Wells, but 1. There are also the Proxies of 3 Abbots. The Abbot of Waltham, 2; of Bella Landa, 1; of Abington, 1

(a) M. Westm. an. 1301. p. 439. (b) Dugdale Summ. p. 56. (c) p. 58, 60. (d) p. 66. (e) p. 62, 68. (f) p. 75. (g) p. 78, 80, 82. (h) p. 84, 87, 98. (i) p. 90, 92, 95. (k) p. 97, 99. (l) p. 101. (m) p. 104, 6. (n) p. 111, 113. (o) p. 122. (p) p. 134. (q) p. 119. (r) p. 117. (s) p. 71. (t) p. 115. (u) p. 134. (x) Summon. Parl. 1 E. 2. in Dorso.

In the Register of *Henry de Estre* Prior of *Canterbury* there are several *Procuratoria* for the *Parliaments* of this Reign, as for that of *Northampton*, and for others held *an. 1309. 1311. 1314. 1318, 1319. 1321, 1322.* others belonging to the same Reign *an. 1323, 1324. 1325.* are collected in the *Appendix of the Rights of Convocations.*

In the 7th year of his Reign a Writ went out to exempt the *Clerks in Chancery* from contributing towards the Expences of the *Clergy* attending in *Parliament.* *Breve, quod Clerici de Cancellariâ beneficiati non contribuant ad expensas Parliament. de Clero existente in Parlamento.* This I have mention'd elsewhere.

By *Ed. III.* the *Præmunientes* is omitted in the (a) 1st. and (b) 3^d. *Parliamentary Writs* of his 5th year, and in the (c) 2^d. and (d) 3^d. of his 6th year. Tho' it is certain (e) that in this last *Parliament*, the *Knights of Shires* and *Burgesses* were present. But in all his other Writs, it is inserted both before and after, if those which in the *Margin* of *Dugdale's Summon.* are stiled only *Great Counsels*, were not really *Parliaments.* But the *Margin* seems to be erroneous in several Places, and particularly in those of the 26th and 27th of this Reign, which are there call'd *Great Counsels*, but that they were really *Parliaments*, I conclude from hence, because all the *Bishops, &c.* are said to be summon'd, in the usual Words. The inferior *Clergy* being not then summon'd, and those being the last in which they were not summon'd; I fix the constant Usage of the Clause *Præmunientes* from his 28th year, 1353. inclusive.

(a) *Summon.* p. 161. (b) p. 165. (c) p. 169. (d) p. 171. m. (e) p. 174.

The Bishops, Abbots, and Priors, to whom particular Writs are directed, are summon'd *cum prædictis Prælatibus, Magnatibus, & Proceribus super dictis negotiis tractaturi, vestrumq; consilium impensuri*. In the first Writ now extant, in which the inferiour Clergy were summon'd, 23 Ed. I. they were summon'd *ad tractandum, ordinandum, & faciendum nobiscum, &c.* Which is the same Stile that was used in the Writs (a) directed at the same time to the Temporal Lords.

An. 24. Ed. I. they are summon'd (b) *ad ordinandum de quantitate & modo Subsidii*. In the Writ of 28. Ed. I. it is, *Ad faciendum & consentiendum hiis, quæ tunc de communi Consilio (favente Domino) ordinari contigerit*.

And this Form continued in use to 20 Ed. II. and after that to 10 Ed. III. The 20 Ed. II. it begun to be, *ad consentiendum hiis, quæ tunc, &c.* Which Form was agen renew'd 10 Ed. III. Afterwards, to 5 Rich. II. it was sometimes *ad faciendum & consentiendum*; sometimes, but more often, *ad consentiendum* only. And from the last Parliament of that year down to these times, it has all along continued so. The Clause now is always in these Words: *Præmonentes Decanum & Capitulum Ecclesiæ vestræ Cant. ac Archidiaconos totumq; Clerum vestræ Diocesi. quod iidem Decanus & Archidiaconi in propriis personis suis, prædictum Capitulum per unum, iidemq; Clerus per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Capitulo & Clero divisim habentes, prædictis die & loco personaliter intersint ad consentiendum hiis quæ tunc ibidem de communi consilio, dicti Regni nostri divinâ favente clementia contigerit ordinari.*

(a) Ibid. p. 11. (b) 14.

We are told by Mr. Selden, (if the *Table Talk* be his, and no part of it the *Tattle* of other Men,) that the *Inferiour Clergy* had not any thing to do in the *Parliament*, otherwise than thus: There were certain of the *Clergy* that used to assemble near the *Parliament*, with whom the *Bishops* upon occasion might consult (but there were none of the *Convocation*, as 'twas afterwards settled, viz. the *Dean*, the *Archdeacon*, one for the *Chapter*, and 2 for the *Diocese*) but it happen'd by continuance of time (to save Charges and Trouble) their voices and the consent of the whole *Clergy* were involv'd in the *Bishops*. This is somewhat obscure, and, as far as I understand it, very false. Neither is that truer, which is so confidently asserted by the *L. C. J. Coke* in his 4th *Institute* Cap. 1. The *Proctors* of the *Clergy*, (says he) have many times appeared in *Parliament* as *Spiritual Assistants*, to consider, consult, and consent, but they had never voices there, because they were not *Lords* of *Parliament*. He took it for granted, that they could not be a *House* of themselves, and belonging (as he thought) to the *House* of *Lords*, yet being no *Lords*, they could not have any *Vote*. He goes on: Some have thought, that because the *Clergy* were not party to the election of the *Knights*, *Citizens*, and *Burgesses*, that these *Procuratores Cleri* were appointed to give their Consent for the *Clergy*; but then they should have *Voices*, which questionless they never had. And by the Words of the *Writ* it was, To consent to those things which by the *Common Council* of the *Realm* should happen to be ordain'd, so as their Consent was only to such things as were ordain'd de *Communi Consilio Regni*; and that there might be an *Act* of *Parliament* without them. He adds, that it appears by the *Treatise de modo tenendi Parl.* that the *Proctors* of the *Clergy* should appear cum *præsentia eorum* sit necessaria, which proves that they were voiceless *Assistants* only; and having no *Voices*, and so many learned *Bishops* having

Voices

Voices, their Presence is not now holden necessary ———
 In this last I agree with him, as I likewise do in that, *That there may be an Act of Parliament without 'em.* But for that which he urges out of *Modus tenendi Parl.* the H. of Commons has but very little Reason to thank him. For it says the very same of the (a) Commons themselves. Had he consulted the ancient *Writs of Summons*, he would have found that they sometimes ran *ad tractandum*, &c. and not always *ad consentiendum* only. Neither can it be concluded from *ad consentiendum*, that they were only *voiceless Assistants*. Could they give their Consents without voting? Or were they always bound to cry Content? By what Law? He ought also to have known and consider'd, that some of the ancient Summons of the Commons run after the same manner. I have seen a Writ as old as *Ed. I.* by which they are summon'd *ad faciendum ea, which should be ordain'd.* But had they therefore no Vote there? The Truth is this. By *ad consentiendum*, or, *ad faciendum* alone, was meant the very same thing with *ad tractandum*, &c. and thence it is that in the ancient Writs, when they stood not so nicely upon *Forms*, they were used indifferently, sometimes one, and sometimes the other. I speak not this precariously, but am able to prove it. In a Writ directed to the Archbishop by *Ed. II. Regni 20.* for the summoning his Clergy to Parliament, his Words are: *Ad consentiendum hiis quæ tunc ibidem de communi Consilio Regni contigerit ordinari.* Did the Archbishop understand by that, that they were only to consent, not debate? Let us hear what he says in his Mandate, wherein the King's Writ is recited: He summons 'em in obedience to that Writ, *ut di-*

(a) Vide supra p. 121.

Etis die & loco sint & compareant juxta formam dicti Brevis una nobiscum tractaturi & ordinaturi prout utilitati Ecclesie & animarum saluti visum fuerit expedire, & hiis quæ Domino disponente ibidem salubriter contigerit ordinari, suos prout decet consensus adhibitori. The Writ is extant not in Dugdale's *Summonitiones*, but in Archbishop Reynold's Register, fol. 314.

From the 5 R. II. down to these times, the *Præmunientes*, as I observ'd, has always run *ad consentiendum* only: And what Return is made to it? Do the *Procuratoria* run in the same Words? I know the learned Author of the *Rights of Convocations*, does (a) suppose that the Letters of Proxy always answer the Writ in that point: But that it is otherwise, appears from some of those Instances which he himself has obliged the World with. 1503. *seriosius exponendi, tractandi, & hiis quæ, &c. consentiendi, &c.* So an. 1536. *ad tractandum & consentiendum, &c.*

Neither by *consentiendum* did they understand the Consenting to what others should ordain, but to what the Major part of their own Body, as well as others, should ordain. This also appears from divers of the *Procuratoria*: One or two for instance. 1307. *Ad faciend. & consentiend. hiis quæ — de communi consilio Prælatorum, Cleri, & Magnatum — contigerit ordinari.*

1318. *Ad consent. hiis quæ tunc ibidem de communi Consilio Prælatorum, Magnatum, Procerum, & Cleri Prov. Cant. &c.*

How true that is in Fact, &c. which the Ld. Coke so positively asserts, that the Inferiour Clergy never had Voice in Parliament, will appear from some of the following Observations.

(a) P. 33. 233.

The Clergy in those days were so far from esteeming it a Privilege to be call'd to Parliament, that they look'd on it as one of the greatest Violations of Ecclesiastical Liberty. They were very sensible that the King's only Design in calling 'em thither was to squeeze Money out of 'em. The Kings found it their Interest to have 'em summon'd for the granting of Subsidies, not to a *Convocation*, where they were to be amongst themselves only; but to the *Parliament*, where they might be influenced as well by his Presence, as by the rest of the Laity. And the Clergy knowing how much it was their Interest, for the avoiding Exactions, under which they were so very uneasy, to be call'd together only by their *Metropolitan*, deny that the King has any Power to convene 'em. There was nothing in the Reign of the 2 first *Edwards*, that so much distasted the Clergy, and occasion'd more Quarrels between them and the Kings, than the Kings taking upon 'em to call 'em to Parliament. They often refused to come in obedience to the Royal Writ: So that the Kings were often obliged, to back their own Authority with that of the Archbishop, and to make use of a *Metropolitanical* Mandate to call 'em to *Parliament*. This likewise they highly resented, and remonstrated against. All this will evidently appear from the following part of this History.

How great a grievance Archbishop *Peckham* took his commanding the Clergy to attend the Parliament at *Northampton*, in obedience to the King's Writ, to be, is evident from his Mandate produced, above where he complains of it as a great hardship and oppression, but he could not help it.

An.

An. 1296. The Clergy being summon'd to the Parliament of *Wury in crast. Animarum*, refused to give any Subsidy, because they had been call'd by the King's Mandate, and not by Ecclesiastical Authority, says a MS. Chronicle of the Church of Cant. (a) *Vocati venerant ibi per literas Regias Prælati & totus Clerus. Rex tandem à Clero petiit subsidium ad defensionem sui Regni. Sed quoniam Clerus vocatus fuit ibidem ad Mandatum Regis & non autoritate Ecclesiasticâ, noluit ibidem finaliter respondere. Sed prorogata dies fuit quoad Clerum in Crastinum S. Hilarii.*

An. 1304. a Writ was sent to the Archbishop requiring him to summon his Clergy to a Parliament at *Westm.* on Tuesday the *Quinden* of Candlemas. Accordingly, the Archbishop summons them, but how? *quatinus die Dominico prox. ante dictum diem Martis ipsum diem Martis præveniendo coram nobis compareatis apud Lamethe circa horam primam, nobiscum super quibusdam statum Ecclesiæ contingentibus tractaturi, ulteriusq; facturi unâ Nobiscum in dicto Parlamento quod permittunt sacrorum Canonum instituta.* His Mandate directed to the Prior and Chapter of Cant. is (b) extant in the Register of Henry the then Prior.

For this Reason it was, that in some of the antientest *Procuratoria*, the Proxies are commission'd to act together with the Prelats and Proxies of the Clergy, without mentioning the Laity; because they did not approve of their being call'd to a Parliament.

Edward II. in the 5th year of his Reign wanting a Subsidy, was forc'd to send his Writ to the Archbishop to summon his Clergy, all besides the Bishops, by a *Provincial* Mandate, and he leaves it

(a) Angl. Sac. Tom. 1. p. 51. (b) Published in the Rights of Convoc. Append. n. XIV.

to him, how many Proxies the *Capitular* and *Diocesan* Clergy should send, directing only that they should send sufficient Proxies.——— *Et ut negotia prædicta feliciorum exitum sortiantur, vobis similiter mandamus, rogantes, quod Præmunientes Decanos & Priores Ecclesiarum Cathed. ac etiam Capitula, necnon Abbates, Archidiaconos, ac totum Clerum vestræ Diocesis, totiusq; vestræ Provinciæ Cant. quod iidem Decani, Priores, Abbates, & Archidiaconi in propriis personis suis dictaq; Capitula & Clerus per Procuratores sufficientes. &c.*

An. 1314. Archbishop *Reynolds* being commanded by *Writ* to summon a kind of a *Convocation* to sit at *Westm.* on the *Morrow* of *Ascension* before the King's *Commissioners* for the granting of an *Aid* against the *Scots*, and accordingly summoning the *Bishops* and *Clergy* of his *Province* by a *Provincial* *Mandate*, the *Clergy* so far resented the King's pretending to summon them, and the Archbishop's inserting the *Writ* in his *Mandate*, that the *Mandate* was neglected and very few summoned, and very few appeared. So that the Archbishop was forced to call another *Convocation* soon after by his own *Autority*. See where I treat of the *Convocations* of this time.

In the *Appendix* of the *Rights* of *Convocations* num. *XIV.* there is a *Remonstrance* published out of a *Cotton MS.* given in to the Archbishop by the *Clergy* against the King's Power of summoning the *Clergy*, and against the Insertion of the *Writ* in the *Letters* *Mandatory*. And there it is alledged that in the former Archbishop's time, a *Convocation* had declared against it, as tending to the *Subversion* of *Ecclesiastical* *Liberty*.

Imprimis in Eccl. Cant. tota Eccl. Angl. libera sit & fuit, ac tali hæcenus gavisæ sit libertate, quod Clerus ejusdem Provinciæ, ut Regni, Autoritate Regiæ convocari

cari non consuevissent, nec debuisset de jure, Præsens tamen Citatio, cujus obtentu Clerus vocari dicitur supradictus, D. Regis Mandatum (continet) prout ex formâ ejusdem Citationis, in quâ Breve Regium totaliter est insertum evidenter apparet. Quod quidem ad subversionem Ecclesiæ libertatis tendere dinoscitur manifeste.

Item cum tempore Sanctæ & Felicis Memorix D. Roberti nuper Archiepiscopi habito quondam in Concilio Provinciali super eodem Articulo cum Episcopis suis Suffraganeis & Clero tractatu diligenti, visum fuisset Mandatum hujusmodi Regium ad læsionem Libertatis Ecclesiæ cedere manifestam, de concessu Fratrum & totius Cleri extitit declaratum, consensum, & concorditer ordinatum, quod obtentu Mandatorum hujusmodi ad Convocationem Cleri nullatenus esset procedendum, præsertim cum temporibus Dominorum Archiepiscoporum quorum memoria nunc existit, id factum non fuit in forma qua nunc scribitur, vel aliquo tempore observatum, &c.

The same Year a Writ was sent to the Archbishop to summon, not the Bishops, but the Deans, and Priors of the Cathedral Churches of his Province, with the Archdeacon, Chapters, and Clergy, to come to a Parliament at York on the Morrow of the Nativity of the V. M. i. e. Sept. 9. The Archbishop executing this Writ, the Clergy when met, protested against it, in the presence of the Archbishop and Bishops. They alledge, that they ought not to have been cited *ad Curiam Secularem*, puta D. Regis Parliamentum, quod *in Camera ejusdem Regis fuit inchoatum*, &c. and that not only the Deans and Priors of Cathedral Churches, but also the Abbots and Priors of Convents, together with their Convents or Colleges, ought to have been summoned. They desire, that for the future it may be otherwise, for they would never submit to it. See the Protestation in the Appendix of the Rights of Convocations num. xv. In the 2d Edition of that learned Piece Append. xiv. there is another Petition of

of the Clergy, relating, if not to the same Meeting, at least to the same Matter ; wherein they mention, that the Archbishop had promis'd 'em to withdraw that Summons which they disliked, which they pray him to do.

On the *Quinden* of *Hillary* following 131⁴/₅. *Regni* 9. the Clergy were summon'd to a *Parliament* at *Lincoln*, by the ordinary *Præmunientes* directed to each Bishop, and not by a *Provincial* Mandate. There came but very few in obedience to the Writ ; and they that did come, would grant nothing but upon condition that all should be call'd together to a *Convocation* by the Archbishop's Authority, and in a *sacred place*. Which the K. was forced to comply with. Accordingly he sends to the Archbishop to summon a *Convocation* on the *Quinden* of *Easter*, which Writ may be seen where we are to speak of the *Convocations* of this time.

The Rights of Convocations (a) tells us, out of *Reynold's Register*, of a Mandate Dated 15. Kal. Jan. 1315. by which the Archbishop call'd not only those " specified in the Premunitory Clause of the " King's Writ, but the *whole* Clergy of his Province ; to appear not in *Parliament*, but before " *himself*, in a Sacred Place, the Day before the " time prefix'd by the King's Writ, Nor does he " in his Mandate recite or mention this Clause ; but " refers himself to that Other Writ, which the K. " sent out at the same time to enforce his *Præ-* " *munientes* ; and mentions it as a *Request* only on " the Crown-side, and a *Condescension* on His. This Mandate I have not been able to find, though I have look'd for it (as I thought) very diligently in that Archbishop's Register.

The learned Author adds, that the Clergy thus Conven'd, stood by the Archbishop in what he had done, and made their Excuse for not appearing at the Place the Writ directed; praying the Archbishop and his Suffragans to be instant with the King that he would not insist on the Summons, but give them the Liberty of declining it. This he gathers from a Petition of theirs which he has publish'd, *Append. num. xv.*

The same Prince (*Ed. II.*) in his Charter concerning Cafes wherein the Ecclesiastical Judge may proceed, notwithstanding the Royal Prohibition granted *an. 1316. Regni 10.* mentions that *Articles of Grievances* had been exhibited by the Prelates and Clergy in his Parliaments, and now again lately in the Parliament of Lincoln: as also in other Parliaments in the time of his Predecessors. (*a*) *Sciat, quod cum dudum temporibus Progenitorum nostrorum, quondam Regum Angliæ in diversis Parliamentis suis, & similiter postquam Regni nostri gubernacula suscepimus, in Parliamentis nostris per Prælatos & Clericos nostri Regni plures Articuli continententes gravamina aliqua Ecclesiæ Angl. & ipsis Prælati & Clero illata ut in eisdem assereretur, porrecti fuissent; & cum instantia supplicatum, ut inde opponeretur remedium opportunum. Ac nuper in Parlamento nostro apud Lincoln. An. regni nostri 9. Articulos subscriptos, & quasdam Responsiones ad aliquas eorum prius factas, coram Concilio nostro recitari, ac quasdam Responsiones corrigi, & cæteris Articulis subscriptis per Nos & dictum nostrum Concilium fecimus responderi, &c.*

An. 1320. Regni 14. (b) He issues out a particular Writ to the Archbishop, Dated May 15. to come

(*a*) At the end of Lyndwood, p. 37. (*b*) Reg. Reynold. f. 299.

to the Parliament to be held *Mids. Day* next, with a *Præmunientes* for the Prior and Chapter of *Canterbury*, and the Archdeacon and Clergy of the same Diocese.

After that, *May 20.* he issued out another Writ to him with a *Præmunientes* for the *Deans, Priors, Chapters, Archdeacons, and Clergy* of the whole Province. In which he uses these Words: *Nos nolentes negotia nostra in dicto Parl. tractanda propter absentiam dictorum Decanorum, Priorum, & Archidiaconorum retardari, vobis mandamus, &c.*

The next Year following, *viz.* the 15th of his Reign he summons a Parliament at *York*, and in like manner issues out (a) 2 distinct Writs to the Archbishop, Dated the same Day, *viz. March 14.* one with a *Præmunientes* for all the Clergy, in which are the very same Words with those above cited, and another in like manner with a *Præmunientes* for the Prior and Chapter of *Canterbury*, and the Archdeacon and Clergy of the same Diocese.

To the Parliament of *York An. Regni 15.* the Clergy were summon'd by the *Præmunitory Clause*, as appears from the (b) Writ. Yet that the Clergy were not there, appears from another Writ sent to the Archbishop a little after, *viz. Nov. 26. 1322. Regni 16.* for the calling a Convocation at *Lincoln*, extant in the Archbishop's (c) Register; in the Preamble of which he speaks so, as that one would conclude he had not so much as Summon'd 'em. *Propter quod Prælatos & Procures ac Communitatem dicti regni jam apud Ebor. ad tract. ibid. super negotiis prædictis ac aliis Nos & statum dicti Regni contingentibus fecimus convocari. Ac iidem Prælati, Procures & Communitas habita deliberatione super dictis negotiis & necessitati-*

(a) Fol. 304. (b) Dugdale Summon. p. 122. (c) Fol. 309.
bus

bus eis per nos expositis in sub-ventionem expensarum circa præmissa faciendarum decimam de bonis de Communitate dicti Regni, & sextam de Civitatibus, &c. concesserint.

In the same Register Fol. 308. I find the following Note : By which it appears, that Regni 17mo. the Archbishop receiv'd 3 Writs relating to the same Parliament, one to summon to it, another to put off the Convocation, which had been intended at that time, and a 3d to summon the Prelates and Clergy of his Province to the Parliament.

Memorandum quod viii. die Jan. An. prædict. apud Otteford sero recepit Dominus duo mandata Regis sub dat. apud Kenilworth xxvi. die Dec. A. R. sui xvii. per manus cujusdam Clerici Domini R. de Wodewous, unum, viz. directum Domino ad comparendum in Parl. Domini Regis ap. Westm. in tres septimanas post Purif. sub forma consueta alias directa, & aliud ad revocandum Convocationem Domini faciendam in Octab. Sancti Hill. prox. tunc fut.

Item x. die Jan. An. prædicto apud Lameh. recepit idem Pater aliud Breve sub eadem dat. qua prius, & sub formâ Conueta alias sibi directâ pro Parliamentis, ad citandum Prelatos & Clerum suæ Prov. ad dictum Parl. per manus cujusdam Cursoris Domini Regis.

An. 1323. Regni 17. the Bishops were first required to summon their respective Clergy to Parliament : But this being not thought sufficient, the Archbishop was afterwards, by another Writ, commanded to summon his whole Province. The Archbishop's Mandate is extant in his Register Fol. 235. and deserves to be here transcribed

Rev. in Christo Patri & Domino, Domino Waltero, &c. Johannes ejusdem permissione Wynton. Episcopus devotæ subjectionis & obedientiæ spiritum cum omni reverentia

rentiâ & honore debitis tanto Patri. Literas venerabilis in Christo Patris Domini S. Dei gratiâ Lond. Episcopi xv. die Febr. recepimus tenorem qui sequitur, continentes ;
' Venerabili in Christo Patri Domino J. Dei gratiâ Wyn-
' ton. Episcopo Stephanus ejusdem permissione Lond. E-
' piscopus salutem, &c. Mandatum rev. in Christo P. &
' Domini, Domini Walteri Dei gratiâ Cant. Archiepiscopi totius Angliæ Primatis, nuper recepimus in hæc verba,
' Walterus, &c. venerabili Fratri nostro S. Dei gratiâ
' Lond. Episcopo salutem, &c. Ex assumptâ sollicitu-
' dine pastoralis officii multotiens cogimur inviti pro varie-
' tate temporum & urgentibus Ecclesiæ & Regni negotiis cum
' Prælatiis & Clero nostræ Provinciæ communem habere
' tractatum : instans enim reip. magna necessitas, evidensq;
' Ecclesiæ Anglicanæ separata utilitas quas super agendis
' & tractandis in communi ad præsens versari credimus.
' precum etiam regiarum excitatio inevitabiliter nos impel-
' lit, Prælatos & Clerum nostræ Prov. antedictæ juxta ef-
' fectum Brevis Regii in proximo convocare. Cujus qui-
' dem Brevis tenor talis est. Edwardus Dei gratiâ
' Rex Angliæ Dominus Hiberniæ & Dux Aquita-
' taniæ, venerabili in Christo P. W. eâdem gratiâ
' Cant. &c. salutem. Quia super diversis & arduis ne-
' gotiis nos & statum regni nostri specialiter tangen-
' tibus Parliamentum nostrum apud Westm. à die
' Purif. B. Mariæ Virg. in tres septimanas tenere, &
' vobiscum ac cum cæteris Prælatiis, Magnatibus, &
' Proceribus dicti Regni habere proponimus Collo-
' quium & tractatum, & Mandavimus singulis E-
' piscopis vestræ Prov. Cant. quod dictis die & loco
' omnibus aliis prætermiſſis personaliter intersint ibi-
' dem, nobiscum & cum cæteris Prælatiis & Magna-
' tibus supradictis super dictis negotiis tractaturi su-
' umq; consilium impensuri, & quod ipsi præmu-
' niant Decanos, Priores, & Capitula Ecclesiarum sua-
' rum, Archidiaconos, totumq; Clerum suarum Dioce-
' sium, quod iidem Decani, Priores, & Archidia-
coni

coni in propriis personis suis, quodlibet dictorum Capitulorum per unum, Clerumq; cujusslibet Diœcesis per duos Procuratores idoneos, plenam & sufficientem potestatem ab ipsis Capitulo & Clero habentes, una cum Episcopis prædictis intersint modis omnibus tunc ibidem ad faciendum & consentiendum hiis quæ tunc ibidem de communi consilio nostro favente Domino contigerit ordinari super negotiis antedictis. Nos nolents negotia nostra *in dicto Parl. tractanda propter absentiam Decanorum, Priorum, Archidiaconorum retardari*, vobis mandamus rogantes quatinus Decanos, & Priores Ecclesiarum Cathed. & Archidiaconos totius Provinciæ (vestræ) in propriis personis suis; Capitulo etiam singula dictarum Eccles. Cathed. per singulares Procuratores, & Clerum cujuscunq; Diœcesis ejusdem Provinciæ per duos sufficientes Procuratores ad dictos diem & locum venire faciatis, *ad tractandum & consentiendum hiis quæ in præmissis tunc ibidem contigerit ordinari.* Et hoc nullatenus omittatis, Teste meipso apud Kenelworth xxvi. die Decemb. Anno regni nostri xvii. Nos igitur tanto promptius tantq; favorabilius votis regiis inclinantes, quo speramus firmissime tractatum hujusmodi Ecclesiæ Anglicanæ ac personis Ecclesiasticis non modice profuturum: deliberato consilio regiis rogatibus fore decrevimus annuendum. Quocirca Fraternitati vestræ committimus & mandamus quatinus cum debitâ celeritate Confratribus & Coepiscopis nostræ Cant. Prov. Suffraganeis vice & auctoritate nostrâ injungatis seu injungi faciatis ut idem Episcopi omnes & singuli in suis Diœcesibus citent seu citari faciant peremptorie Decanos, Priores Ecclesiarum Cathed. & Capitula eorum, Archidiaconos Clerumq; cujusslibet Diœcesis quod iidem Decani, &c. compareant in dicto Parlamento apud Westm. à die Purif. B. Mariæ Virginis in tres septimanas cum continuatione & prorogatione dierum tunc sequentium ad tractandum una no-

'biscum & cæteris Prælatiſ super urgentibus Eccleſiæ An-
 'glicanæ atq; Regni negotiis in Parl. ſupradictō, necnon ad
 'conſentiendum hiis quæ ad honorem Dei & Eccleſiæ
 'ſuæ ſanctæ, ac utilitatem totius reip. regni prædicti di-
 'vinâ diſponente clementiâ ibidem contigerit ſalubriter
 'ordinari. Vos etiam prædictum noſtrum mandatum,
 'quatenus vos, ac Decanum, & Capitulum veſtrum, Ar-
 'chidiaconos & Clerum veſtræ Diœceſis contingit, per om-
 'nia fideliter perficiatis ac etiam obſervetis. Et ne man-
 'datum noſtrum ——— arte ingenio vel negligentia delu-
 'datur vobis ut ſupra injungimus, quod Coepiſcopis no-
 'ſtris & Suffraganeis omnibus & ſingulis conſimiliter injun-
 'gatis ut ſinguli eorum de ſuis executionibus cum citatorum
 'nominibus plene nos certificent die & loco prædictis quati-
 'nus ad eos pertinet ſecundum formam ſuperius annotatam.
 'De die vero receptionis præſentium & quid in executione
 'præſentis mandati feceritis nos ad dictos diem & locum
 'diſtincte & aperte certificari curetis per literas veſtras
 'patentes harum ſeriem & citatorum nomina plenarie con-
 'tinentes. Dat. apud Mortelak, xii. die Januarii A.
 D. MCCCXXIII. 'Cujus auctoritate mandati di-
 'ſtincte vobis injungimus per præſentes quatinus dictum
 'mandatum, quatenus — executionis importat juxta vim
 'ſententiæ & effectum ejusdem in veſtrâ Diœceſi abſq;
 'moræ diſpendio plene & debite fieri facientes, vos quate-
 'nus id ipſum veſtram paternitatem concernit eidem man-
 'dato quoad omnes & ſingulos articulos efficaciter parere mo-
 'dis omnibus ſtudeatis. Dat. apud — xix. Kal. Febr. A. D.
 ſupradictō. 'Cujus auctoritate mandati, Priorem Eccleſiæ
 'noſtræ Cathed. Wynton & Capitulum ejusdem. Archi-
 'diaconosq; noſtros Wynt. & Surriæ, ac etiam Clerum
 'noſtræ Diœceſis Wynton. Citari fecimus peremptorie quod
 'die in dictō mandato contento, in Parlamento jam in-
 'ſtanti ad W.ſtm. juxta formam mandati ſupradicti com-
 'pareant cum continuatione & prorogatione dierum ſubſe-
 'quentium ad tractandum una vobiſcum & cum cæteris
 'Præ-

‘*Prælati super urgentibus Ecclesiæ Anglicanæ atq; Regni negotiis, necnon ad consentiendum his quæ ad honorem Dei & Ecclesiæ suæ sanctæ, ac utilitatem totius Reip. Regni prædicti divinâ disponente clementiâ ibidem salubriter contigerit ordinari, & ad omnia alia & singula faciend. quæ dictum mandatum exigit & requirit. Nomina vero citatorum in cedula præsentibus annexâ conscribuntur. Sicq; mandato prædicto quatenus potuimus consideratâ temporis brevitatem paruimus, & parebimus in omnibus reverenter. Dat. apud Suthwerk vi. Kal. Martii A. D. supradicti.* The Writ here inserted is extant likewise in the Close Roll 17 E. II. and is published by (a) Pryn.

Episcopo Lond. per Priorem & Capitulum Cant. Sede vacante ad vocandum Clerum ad Parliamentum (b).

Quocirca propter desiderabile pacis commodum votis Regiis in quantum possumus acquiescere cupientes vobis auctoritate Ecclesiæ nostræ Metropolitæ, quâ fungimur in hac parte injungimus & mandamus quatinus breve Regium in notitiam omnium & singulorum Coepiscoporum vestrorum Cant. Provinciæ deducentes, per ipsos auctoritate prædicta præmuniri faciatis, Decanos, & Capitula Ecclesiarum Cathedralium, ac etiam Archidiaconos totumq; Clerum Cant. Provinciæ, quod &c.

An. Regni 20. The K. sends out his Writs to all the Bishops to summon their respective Clergy to Parliament in *Quindena S. Andree*, Dat. Dec. 3. and the next day after another Writ was issued out to the Archbishop, requiring him to summon the

(a) Brev. Parl. Vol. 1. p. 98. (b) f. 236.

Deans, &c. of his whole Province. He (a) tells the Archbishop, that he had already commanded the particular Bishops to summon the Clergy of their respective Dioceses; but lest there should be any failure, he thought fit to require him likewise to summon 'em. *Vobisq; & cæteris Episcopis vestræ Cant. Prov. per diversa brevvia nostra mandaverimus quod in dicto Crast. apud locum prædict. personaliter intersitis super diversis & arduis negotiis nos & statum Regni nostri tangentibus tractaturi. Et licet singulis Episcopis prædict. injunximus quod quilibet eorum præmuniri faciat Priores, Decanos, & Capitula suarum Eccles. Cathed. necnon Archidiaconos & Clerum suarum Diocesium — nolentes tamen negotia nostra prædicta pro defectu Præmunitionum prædictarum, si forsan minus rite factæ fuerint, aliquantulum retardati, vobis mandamus firmiter injungentes quod præmuniri faciatis, &c.*

The Archbishop's Mandate for the summoning the Clergy of the whole Province upon the Prorogation, was drawn up at first in these Words, after the Recitation of the Writ. *Quocirca vobis tenore præsentium injungimus & mandamus, quatinus Prorogatione, sicut præmittitur factâ, Priores, Decanos, & Capitula Eccles. Cathed. ac etiam Archidiaconos & Clerum nostræ Prov. præmuniri faciatis, citantes Priores, Decanos, &c.* But afterwards that Form being thought not so proper, it was alter'd thus, as the Registrary tells us, who thought it of such moment as to enter both Forms: *Quocirca vestræ fratern. committimus & mandamus quatinus cum debitâ celeritate Confratribus & Coepiscopis nostræ Cant. Prov. Suffraganeis vice & auctoritate nostrâ injungatis quatinus singuli eorundem in suis Dioces. de hujusmodi Prorog. sic ut præmittitur factâ Priores, Decanos, & Capitula Eccle-*

(a) Fol. 313, 314.

fiarum suarum Cathed. ac etiam Archid. & Clerum Dioces. præmuniri faciant, citando eosdem Priores, &c.

In the Reign of Ed. III. we have Instances of the same kind, of the King's Parliamentary Writ, enforced by the Archbishop's Provincial Mandate. An. 1330. Regni 4. the Writs went out to the Bishops with a *Præmunientes* to their Clergy to appear in Parliament at *Winchester* for a Subsidy; after that he sent another Writ to Archbishop *Mepham* to summon all the Deans, Archdeacons, &c. of his Province (a) *Nolentes tamen negotia nostra prædicta præ defectu Præmunitionum prædictarum, si forsan minus rectæ factæ fuerint, aliquantulum retardari, &c.* The Archbishop obeys the Writ so far as to send out his Provincial Mandate, but instead of summoning the Clergy expressly to the Parliament, he summons 'em to appear *coram nobis*, and in a sacred Place, in *Ecclesiâ Cathedrali*, (Winton. 5. Id. Martii) *ad tractandum una Populiscum & cæteris Prælatiis super urgentibus Ecclesiæ Anglicanæ atq; Regni negotiis in Parlamento prædicto diffusius pertractandis.* And so he begins his Mandate in a Convocation Form, *Ex assumptâ sollicitudine Pastoralis Officii multoties cogimur pro varietate temporum & urgentibus Ecclesiæ & Regni negotiis cum Prælatiis & Clero nostræ Prov. communem habere tractatum, &c.* This Writ is preserv'd in the Close Roll of 4 E. 3. and other Writs of the same sort directed to the 2 Archbishops are to be found in the Roll of 1, 2. 6. 9. (b) of the same King.

In the 10th (c) of the same Reign a Convocation was order'd by the King's Writs to be sum-

(a) *Append. Rights of Convoc. num. 20.* (b) *That of his 6th Year is published by Pryn. Parl. Writs, Vol. 1. p. 99.* (c) *Pryn Brev Parl. Vol. 1 p. 39.*

mon'd to *S. Pauls*, 2 or 3 days after the Parliament was to sit at *Westm.*

In the *Parl. Roll* of 6 *E. 3.* it is remember'd that the *Proctors* of the *Clergy* together with the *Prelats* went out of the *Parliament House* upon the making an Act for the securing of the Peace. The Parliament was held at *Westm.* on Monday next after the Feast of *S. Gregory*. The Words of the Roll, translated out of the *French*, are as follows.

Sir Jeffrey Lescrop by the King's command in his presence, and in the presence of all the *Prelats*, *Earls*, *Barons*, and other *Lords*, declar'd how the King had understood, that it was a Thing well known to all, that divers People despising the Law, were levied in great Companies, destroying the liege People of our Lord the K. as well the Men of holy Church, and the King's Justices, as others, taking some of them, and keeping them in Prison, till they had received grievous Fines and Ransoms of them for saving their Lives, at the Will of the said Malefactors; and putting some of them to death, and robbing some of them of their Goods and Chattels, and doing many other Evils and Felonies in despite of the K. the Breach of the Peace, and destruction of his People; and upon this the K. (by the Mouth of the said Sir Jeffrey) charged all the said *Prelats*, *Earls*, *Barons*, and other Peers in their Faiths and Allegiances which they ought unto our Ld. the K. to counsel him as well for his Voyage towards the Holy Land, which he hath so highly desired to do by their good Counsels, as how his Peace might be best kept, and the said evil People thus levied, be chastiz'd and restrain'd of their Malice. And for that the said *Prelats* were advised that it did not properly belong to them to give their Counsel for the keeping of the Peace, or for the punishing of such Evils, the said *Prelats*, and the *Proctors* of the *Clergy* went by themselves to take Counsel of the things afore-

aforesaid, and the said Earls, Barons, and other Lords by themselves.

Which Earls, Barons, and other Lords made divers good Ordinances for the keeping of the Peace, and for apprehending and punishing such Malefactors as should disturb the same. Amongst which this following was one.

And also it was accorded and assented unto by our Sovereign Ld. the K. the Prelats, Earls, Barons, and other Peers, Knights of Counties, and the Commonaltie, that a Sentence ordain'd by the Prelats, and the Clergy, should be pronounc'd in Paul's Church, London, and that the Bishops of England be commanded to pronounce the same, &c.

That the Clergy were not in the Parliament of 13 E. 3. appears by the following Record.

Rot. Parl. 13 E. 3. Item it is accorded, and assented unto in the said Parliament, by all the Peers and Commons there assembled, that Letters be made under the Seals of the Archbishop of Canterbury, and of other Prelats, Earls and Barons being in this Parliament at Westm. and sent to the Archbishop of York, and to the Clergy of his Province, to excite them to make a convenient Aid for the guard of the Marches of Scotland, and for the King's other Busineses, mentioned in those Letters, to the end, that they endeavour with all their might to effect that for the defence of the Holy Church, the Realm, and themselves; and how the Clergy of the Province of Canterbury, had made convenient Aid for the Cause aforesaid.

In the same Parliament it was order'd, That 2 Writs be sent, the one to call the Convocation of the Province of Canterbury, the other of York, against Hilary ensuing. It is also to be remember'd to summon the Parliament against the Octaves of S. Hilary then ensuing. Rot. Parl. n. 19. 25.

Rot. Parl. 15 E. 3. Item, whereas of late there was an Aid granted to our Ld. the K. in defence of the Realm

Realm, and the Church of England, by the Prelats, Earls, Barons, and other great Men of the Land, which are bound to come to the Parliament, that is to say, the 9th Sheaf, the 9th Lamb, and the 9th Fleece of Sheep, for 2 Years to be paid only, and that for those 2 years the said Prelats should be discharged of Tyths, the Ministers of our Lord the K. enforce them by distress, and all other damages that they can to levy the said Ninth of other People of Holy Church, which are not bound to come to Parliament, and which granted not the said Ninth, and pay their Tyths; and by colour of Commission made to collect the said Ninth for the 2d. Year, the said Ministers forbid all Men openly, that none pay Tyth to God, and Holy Church, of Lambs, Fleeces, and Sheafs, but that the K. should be served of the said Ninth; to the great oppression of the Clergy, &c.

The King's Answer.

It is advised by the great Men, that the 9th and 10th granted to the K. be paid in manner as they were granted, that is to say, that those which hold of the K. by Barony, and ought to come by Summons to the Parliament, pay the Ninth, and those People of Holy Church which hold nothing by Barony, and are not accustomed to be summoned to Parliament, pay the Tenth. But if any People of Religion, or others of Holy Church having Possessions purchased, and appropriated, and not taxed among their other Temporalities in the Tax used of Tenths, it is advised through Equity, that they ought to pay the Ninth of such Temporalities, so that for those things for which they pay the one, they shall not be compelled to pay the other, and upon this they may always have Writs when they will.

Walsingham (a) speaks thus of that Parl. of the Year 1339. Factum est Parl. apud Westm. in quo

(a) P. 147. 513.

concessa sunt Regi novum vellus, &c. ab omnibus qui per Baroniam tenerent, & ad Parl. venire tenerentur, & Prælati Religiosi, ac cæteri de Clero solventes decimam Regi antea concessam, solvere minime arctarentur illâ vice. Insuper illi qui ad Parl. venire non consueverunt, Prælati scil. Religiosi, & cæteri de Clero decimas antea Regi concessas solvere tenerentur. He seems to have had respect to the same Parliament, tho' the Year does not exactly agree. I shall mention in this Place, what the same Historian says of the Parliament of 1313. (a) *Citati sunt ad Parl. Londoniis faciendum cuncti Magnates, & qui de consuetudine citari debuerant, vel de jure. Cunctis igitur Clericis congregatis & Laicis, &c.*

In the same Parliament of 15 E. 3. a Petition was made to the K. in behalf of the Clergy, not by all the Clergy, but only by the Bishops of this Province. *Sheweth unto our Ld. the K. the Archbishop of Canterbury, and his Brethren Bishops of this Province, that whereas Clerks, &c. Rot. Parl.*

18 E. 3. a Parliament was summon'd to meet at S. Paul's on the Morrow of Trinity, 8 or 9 days before the Parliament was to sit at Westm. The Record (b) sets forth that the Parliament and Convocation were to meet for the Dispatch of the same Affairs, i. e. for a Subsidy. The Clergy not coming as they ought, and the Laity likewise neglecting to come to the Parliament, the K. sent to the Archbishop commanding him to punish the Clergy, and he would do the same to the Laity.

In the Roll of this Parliament held on Monday after the Octaves of Trinity, we read: *And be it re-*

(a) P. 102. (b) See the Rights of Convoc. p. 44.

member'd that the Prelats and the Clergy put up certain Petitions to the K. in form following.

To our Sovereign Lord the K. praying the Archbishop of Canterbury, the Bishops, and other Prelats of the Clergy of the Realm; that it will please him in maintenance of the Estate of Holy Church, to grant and ordain in this Parliament that &c.

The Charter which the K. granted the Clergy in answer to this Petition, is mention'd by *Walsingham*, an. 1344. where he tells us, that *Clerus Anglicanus Regi concessit decimas triennales*.

In the same Roll it follows: Edward, by the Grace of God, &c. ——— and upon that we pray'd the Prelats, great Men, and Commons, that they would give us such Counsel and Aid as should be requisite in so great necessity, and the said Prelats, great Men, and Commons having had good deliberation, &c. And for this Cause the said Peers have granted to pass over, and adventure themselves with us. And the said Prelats and Proctors of the Clergy, have granted for the same cause a treennial Tenth to be paid at certain times, &c. And we for this Cause in maintenance of the Estate of Holy Church, and in ease of the said Prelats, and of all the Clergy of England, by assent of the Lords and Commons, have granted of our good Grace these things underwritten, &c.

This Statute is extant in *Rastal*, where it is called the *Statute for the Clergy*.

A learned Author (a) tells us, that in 2 places where the Commons are mention'd, the Proctors of the Clergy are included in that Name. With all due respect to him, I cannot see how that can be necessarily inferr'd. The King's meaning seems to be no other than this: That he had propos'd his

(a) *Rights of Convoc.* p. 60.

Business to the Prelats and the Laity in Parliament, who there give him their Advice ; and besides, that the Prelats and Clergy, had obliged him with a Subsidy. The Commons are immediately after distinguish'd from the Inferior Clergy, in these Words : *And we for this Cause, in maintenance of the Estate of Holy Church, and in ease of the said Prelats, and all the Clergy of England, by consent of the great Men, and of the Commons, do grant, &c.*

As it was usual in the beginning of Parliaments to appoint Receivers of Petitions for foreign Parts, Guien, Gascony, Ireland, &c. so in that of 21 E. 3. there were Receivers of Petitions for the Clergy appointed. Which supposeth the Inferiour Clergy not sitting in that Parliament.

Parl. Roll. 25 E. 3. there is a Petition which comprehends all the Clergy, and yet was presented by the Bishops only, and those too of the Province of Canterbury.

And afterwards the honourable Father in God, Simon Archbishop of Canterbury prayed the King for the Clergy of the Land, that he would command the Petitions of the Clergy to be heard and tried, and thereupon to give good and convenient Answer and Remedy. And the King well granted it : Which Petitions being read, were answered in Form following.

To our Ld. the K. his humble Chaplains, Simon by divine permission Archbishop of Canterbury, and his Brethren Bishops of his Province, for them and all the Clergy pray, &c.

The 10th Article of the Petition begins thus : *Item, the Communality of the Clergy pray our said Ld. the K. &c.*

The Parliament was held on Hillary day at Westm. and its certain that in the Summons the *Præmunientes* was inserted. In a Writ directed to the Archbishop for the calling a Convocation, extant in Islip's Re-

Register, the K. mentions his having desired a Subsidy of the Archbishop and others of the Clergy of his Diocese and Province present in that Parliament. See the Writ where I speak of the Convocations of this Year, as also the Archbishop's Mandate.

29 and 31. E. 3. two Convocations were by Writ commanded to be summon'd to S. Paul's in Parliament-time. The Writs run, (a) *ad consentiendum hiis quæ, &c.* in the same manner as Parliamentary Writs do.

In the Parliament of 31 E. III. though the *Præmunientes* was inserted in the Summons, yet the Clergy were not present, and that not by any Contumacy of theirs, as they alledge in a Petition presented to the Archbishop in the next Convocation. See the Acts of the Convocation of 1356. in the following Part.

Neither were they present in the Parliament of 43 E. III. as appears from what I say upon that Year among the Convocations.

Rot. Parl. 51 E. 3. a Petition was put up to the Throne, not by all the Clergy, but only by those of Canterbury Province (assembled in Convocation) *To your most Excellent Royal Majesty, your daily Orators and devout Prelates, and all the Clergy of the Province of Canterbury.*

Bills in those Days were brought to the K. in Parliament in form of Petition, whether by the Clergy or the Laity.

18 E. III. In the Parliament held at Westminster on Monday after the Octaves of Trin. above-mention'd. a Law was made, that no Petition of the Clergy should be granted; *i. e.* no Bill brought by them should be pass'd into a Law, till it had been cho-

(a) See in the next Part among the Convocations of this time.
roughly

roughly examin'd, whether it were not prejudicial to the Laity. So the Roll of that Parliament.

And be it remembred, that the Commons put up certain Petitions to the K. in form following : ———

Item, the Commons pray, that no Petition made by the Clergy, which is in decrease or damage of the Great Men, or of the Commons, be granted till it be tried by the K. and all his Counsel, that they may well hold it without damage of the Lords and of the Commons.

Answer.

It pleaseth the K. and his Counsel that it be so.

In the Parliament Roll of 51 E.III. but now mention'd, it is thus recorded : The Commons, among the other things, petition'd the K. *That no Statute, nor Ordinance be made nor granted at the Petition of the Clergy, if it be not by assent of your Commons : Nor that your said Commons be obliged by any Constitutions, which make for their Advantage, without the Assent of your said Commons. For they (the Clergy) would not be obliged by any of your Statutes or Ordinances made without their Consent.*

The King's Answer :

Let this Matter be declar'd in special. Which was a Denial.

That the Clergy sat in the Parliament of 1 Ric. II. seems to appear from a Petition of the Clergy of both Provinces, presented to the K. in that Parliament, and recorded in the Roll (a). To our most Excellent Lord the K. his devout Orators the Prelats and the Clergy of the Provinces of Canterbury and York humbly pray, &c.

(a) f. 64,

That they were present likewise in the Parliament held at Gloucester on Wednesday after St. Luke's Day, 2 Ric. II. appears from the Roll (a) where we have this Account. *And upon this the Archbishop of Canterbury then prayed our said Lord the K. and the Lords of the Parliament, that it should please them to give him hearing and audience a while in this, which he hath to say for the Clergy, and saith, That all the Prelates, and the Remnant of the Clergy there being, render Thanks to our Lord the K. &c.*

A Petition of all the Clergy of England was offer'd the K. in the same Parl. extant also in the Roll. To our Lord the K. and his Counsel, his humble Prelates and Clergy of the Kingdom of England pray, &c. — Wherefore the said Prelates and Clergy pray, that there may be hasty and sufficient Remedy ordained and made in this present Parliament.

In the Rights of Convocations there are these Words produced out of an Instrument in Courtney's Register as an Instance of the Clergy's acting in Parliament. *Ea que pro statu D. Urbani (Papæ) in Parlamento apud Gloucester celebrato, de consensu Regis, Prælatorum, & Cleri, ac Procerum Regni, erant per viam statuti firmata fol. 80. (81.)* The Instrument is dated 1384. The Business indeed which the Instrument speaks of, was very extraordinary; for it was no less than the Recognizing one Pope in opposition to another, in which the Clergy were more especially concern'd.

King Rich. in his Letter (c) which he wrote Regni 2. to the Abbot of Selby, about the payment of a Subsidy in the Province of York, takes notice 'That
'divers Reasons had been shew'd in Parliament,
'why the Payment of the Disms and Quindisms,

(a) f. 72. (b) 76. (c) See the Rights of Convoc. p. 339.
granted

granted in the said Parliament by the Clergy and Laity of the Kingdom, should be anticipated; and that accordingly the Archbishop of Canterbury, with the other Prelates and Clergy of his Province had agreed to it; as also the Archbishop of York, and those Prelates of his Province who were present; but that some of the Clergy of that Province delay'd payment, &c. This shews, that the Inferiour Clergy of that Province were not present in that Parliament: And therefore those of Canterbury could be no otherwise there present, than as their Convocation was held at same time.

4 R. II. the Commons (a) offered to give a great Aid, demanded, so as the Clergy, who had the 3d part of the Realm, would pay one 3d Part; the Clergy answer'd, that their Grants never had been, nor ought to be made in Parliament, (but in Convocation.)

Rot. Parl. 9. R. 2. n. 44. the Commons Petition, That all Clerks advanced to any Ecclesiastical Dignities or Livings by the K. will grant to the K. the first Fruits of their Livings, no otherwise than they would have done to the Pope, being advanced by him.

Answer.

It liketh the King, so the Clergy will thereto accord.

In the Abridgment of the Parliament Rolls II R. 2. n. 9. it is said, that in this Parliament the Archbishop of Canterbury made openly solemn Protestation for himself, and the whole Clergy of his Province enter'd by Word. The Effect whereas was; That albeit he (they) might lawfully be present at their Parliaments, yet for that in this Parliament Matters of Treason were to be intreated of, whereat by the Canonical Law they might not be present; they therefore absented themselves, saving their Li-

(a) Rot. Parl. n. 12. 13.

erties therein otherwise. But here the *Abridgment* is faulty. For the Protestation runs not for the *Clergy* of the Archbishop's Province in general, but only for the Spiritual Lords, who held by *Barony*. So it is both in the *Roll* and also in *Courtney's Register*. And the nature of the thing shews it could not be otherwise.

Rot. Parl. 13 R. 2. n. 24. The Archbishops of Canterbury and York, for them and the whole Clergy of their Provinces, make their solemn Protestation in open Parliament, that they in no wise meant, or would assent to any Statute, or Law made in the restraint of the Pope's Authorities, but utterly withstood the same; the which their Protestations, at their request, were enrolled.

21 Ric. II. the Commons having a mind to impeach Archbishop *Arundell* of High Treason, for concurring in a certain Commission directed to the Duke of Gloucester and the Earl of *Arundell*, &c. presuming that the Clergy would not be concerned in his Attainder, lest that should render all of no effect, desired that the Prelats and Clergy would be present in the Parliament by a Proxy. Accordingly they altogether appointed one single Proxy, who acted in their Names, and concurred with the rest in attainting the Archbishop. After that they granted, at the desire of the Commons, another Commission to another Person to act in the same manner for them in that Parliament.

Rot. Parl. 21. R. II. Item, on Tuesday next following the Commons shewed to the K. how that before these times, many Judgments and Ordinances made in the times of the Progenitors of our Ld. the K. in Parliament, have been repeal'd and disannul'd, because the State of the Clergy were not present in Parliament at the making of the said Judgments and Ordinances.

ces. And therefore they prayed the K. that for the safety of his Person, and salvation of his Kingdom, the Prelats and Clergy should make a Proctor with sufficient Power to consent in their names to all things, and Ordinances to be justified in this Parliament. And so upon this every Spiritual Lord should speak his Advice fully; whereupon the said Spiritual Lords being severally examin'd, consented to commit their full Power generally to one Lay-person, and namely in special to Sir Thomas Percy Knight, and therefore deliver'd a Cedula to the K. containing their said Power, the which our Ld. the K. received, and the said Tuesday commanded it to be enter'd upon Record in the Parliament Roll; the Form of which Schedule followeth.

Nos Thomas Cant. & Robertus Eborum Archiepiscopi, ac Prælati (&) CLERUS utriusq; Provinciæ Cant. & Eborum jure Ecclesiarum nostrarum, & Temporalium eorundem; habentes sus inaccessendi in singulis Parliamentis domini nostri Regis & Regni Angliæ pro tempore celebrandis, necnon tractandi & expediendi in eisdem; quantum ad singula in instanti Parl. pro statu & honore Domini nostri Regis necnon Regaliæ, ac quiete, pace, & tranquillitate Regni judicialiter justificand. venerabili viro Dno. Thomæ de Percy Militi nostram plenariam committimus potestatem. Ita ut singula per ipsum facta in præmissis perpetuis temporibus rata habeantur.

Item, afterwards the said Commons on Thursday the said 20th day of September, before the King in full Parliament, accused and impeached Thomas of Arundel Archbishop of Canterbury of high Treason. And the K. thereupon call'd to mind in the said Parliament, that the said Archbishop had been before him in the presence of certain Lords, and confess'd that in the Use of the said Commission he was mistaken and put himself into the King's grace; wherefore our said Ld. the K. and all the temporal Lords and Sir Thomas Percy having sufficient Power from the Prelats and Clergy of the Kingdom of England

gland, as appears upon Record in the said Parliament, adjudged, and declared this Article (acknowledged by the said Archbishop) for Treason, which touched the K. himself, and the said Archbishop for a Traytor, &c.——

Item, on Tuesday next after the Quindens of S. Hilary the Commons prayed that the Prelats and Clergy would make a Proctor with sufficient Power to consent in their name to all things and Ordinances to be justified in this present Parliament, in the same manner as they had committed power to Sir Tho. de Percy in this present Parliament at Westminster. And upon this the said Prelats and Clergy named and ordained in Parliament by word of mouth William Lescrop Earl of Wiltshire, committing and giving to him full Power to treat and dispatch generally concerning all those things judicially to be justified in this present Parliament, for the State and Honour of our Ld. the K. and of his Regality, the Quiet, Peace, and Tranquillity of the Kingdom so far forth, and in manner as it was before committed to Sir Tho. de Percy.

The Record adds: That upon the Advice of Sir John Bussey, most of the Bishops and Lords were sworn before the K. again upon the Cross of Canterbury, to repeal nothing in this year enacted, so did sundry of the Proctors of the Clergy, and most of the Commons, by holding up their hands, affirming that they would do the same.

By the Parliament Roll of 1 H. IV. which contains the Deposition of R. 2. publish'd at the end of the X Scriptores, it appears that the Clergy had place in that Parliament, and that they among the rest had their Representatives at the Tower, when his Deposition was read to him. Judge Thirnyng

who

who was the Spokesman, tells him (a) that there were sent as *Procurators* from the States, the Bishop of S. Asaph for *Archbishops* and *Bishops*, the Abbot of Glaster. for *Abbots* and *Priors*, and all other *Men of Holy Church* *Seculars* and *Regulars*, the Earl of Gloucester for *Dukes* and *Earls*, the Lord of Berkley for *Barons* and *Bannerets*, Sir Tho. Irpingham for all the *Bachelers* and *Commons* of the Land by South, Sir Tho. Grey for all the *Bachelers* and *Commons* by North, and J. Markham and himself, as he says, were deputed to come with 'em, for all these States.

There is extant in the Parliament Roll of 2 H. 4. a Petition of the Clergy of England, which begins thus: *Excellentissimo ac gratiosissimo Principi Dno. nostro Regi supplicatur ex parte vestrorum humilium Oratorum Prælatorum, & Cleri vestri Regni Angliæ, Quod &c.*

The Petition is for an Act of Parliament against the Preachers and Writers of Heretical Doctrines ——— *sub gravi pœna per dictam Regiam Majestatem ex assensu Magnatum & aliorum Procerum in dicto Parlamento existentium ordinanda. — in præsenti Parl. —*

Quas quidem Petitiones Prælatorum, & CLERI superius expressatas Dnus. noster Rex de consensu Magnatum, & aliorum Procerum Regni sui in præsenti Parl. existentium concessit, &c. The Statute is extant at the end of Lyndwood, which begins: *Cum D. Regi, & ex parte Prælatorum, & Cleri Regni sui Angliæ in præsenti Parl. sit ostensum. — Super quibus novitatibus — Prælati & Clerus supradiæti ac etiam Communitates dicti Regni in eodem Parl. existentes dicto D. Regi supplicaverunt ut sua dignaretur Regia Celsitudo in dicto Parl. pro-*

(a) See the Rights of Convoc. p. 63.

videre de remedio opportuno. The same Statute I find in *Arundel's Register* (a) as exhibited in the Convocation of 1409.

The Clergy are mentioned as present in Parliament in the *Parl. Roll* of 2 *Hen. IV.* when the Bishop of *Norwich*, in *Richard* the 2^{ds}. time, condemned in Parliament of a high Misdemeanour, was pardoned by *K. Henry*. The Words are: *Whereupon the Archbishop of Cant. with all his Brethren, Bishops, Abbots, and Priors, and the Clergy there being, very humbly kneeling, thanked our said Lord the King for his benign Grace and Seignurie so done and shew'd.*

Again in 4 *H. IV.* where together with the Prelats they petition the *K.* for the maintenance of the Church's Liberties. The Petition is preserv'd in the Roll, and thus it begins: *Supplicant vestri humiles Oratores Thomas Archiepiscopus Cant. & alii Episcopi, Prælati, & Clerus Regni nostri, quod, &c.* The *K.* in his Answer calls it a *Petition deliver'd to him in this Parliament by the Clergy of England.*

For other Instances of those times, I shall refer my Reader to the *Rights of Convocations.* But this Rule I shall lay down, that we are not to conclude from any Instances, that the Clergy sat in Parliament strictly so call'd, (b) unless it does appear that they are to be understood of the Clergy of both Provinces. Since we are sure that it was usual to say, that such or such a thing was done in Parliament, because it was done in a *Convocation* in time of Parliament.

The Clergy of the *Prov. of Cant.* who are said to put up their Petitions in Parliament, were no other than the *Convocation* then sitting. In *Arundel's Register* (c) the Clergy assembled in Convocation

(a) Vol. 2. f. 18. (b) p. 332, &c. (c) Fol. 56. Vol. I.

an. 1402. having granted the K. a Subsidy, are said to have put up their Petition in Parliament: *Et fuit quædam Petitio porrecta Regi in Parl. tunc tento ex parte dicti rev. Patris ac cæterorum Prælatorum & Cleri dictæ suæ Cant. Prov. &c.*

Further yet: Tho' we find the Clergy of England in general mention'd as in *Parliament*, yet neither from thence dare I confidently infer, that whenever such an Expression occurs, they sate strictly speaking in *Parliament*. For by the Clergy of England in *Parliament*, there seem to be meant sometimes no more than the Convocation of the Province of Canterbury in conjunction with the Prelats of York Province assembled in *Parliament*. For the Clergy of that Province were in the Reigns of E 3. and R. 2. sometimes taxed by their Archbishop, &c. in *Parliament*, in proportion to what was granted by the Convocation then sitting in *London*. And I find them sometimes mentioned as if they had been the whole Clergy of that Province, as particularly in a Writ of Ed. 3. where the Prelats and Clergy of the 2 Provinces are spoken of, when there were none concern'd but the Convocation of the one, and the Prelats of the other. See in the next Part in the Convoc. of 1371. That the Prelats of that Province assembled in *Parliament*, did sometimes tax the Clergy of that Province in general, is evident from Rich. the 2ds Letter to the Abbot of Selby.

6 H. VI. it should seem that the Clergy were concern'd in the making of an Act of Parliament relating to Marriage. Parl. Roll n. 27. *It is enacted by the King, Lords Temporal, and Commons, that no Man should contract or marry himself to any Queen of England without the especial Licence and Assent of the K. on pain to lose all his Goods and Lands.*

The Bishops and Clergy agree to this Bill, as far forth as the same swerveth not from the Law of God, and of the

the Church, and so the same importeth no deadly Sin. Whether by the Clergy there, (in this Instance I follow the Abridgment) be meant the Parliamentary Abbots and Priors in Parliament, or more besides them, I shall not determine.

But this is certain, that from the Reign of *H. 6.* and so downward, the Inferiour Clergy appeared so seldom (if at all) in Parliament, that in the Parliament Rolls of that and the succeeding Reigns, the 3 *Estates* of Parliament are made to be the *Bishops, Lords and Commons.* Though in reality the 3 *Estates* of the Realm are the Clergy, Lords, and Commons.

Rot. Parl. 11 H. 6 the Chancellor, by the King's Commandment, in the presence of Him, and of the 3 Estates, gave Thanks to them. &c. The Estates mention'd before, of whom the Parliament consisted, are the Bishops, Lords, and Commons.

8 *E. 4.* the Chancellor in his Speech at the opening of the Parliament, made the *K.* to be one of the 3 *Estates*, the *Bishops and Lords* to be the 2d, and the *Commons* the 3d. He then declared, says the Roll, the 3 *Estates* to comprehend the Governance of this Land, the Prebeminence whereof was to the King, as Chief, the 2d to the Lords and Bishops, and the 3d to the Commons.

Rot. Parl. 1. R. 3. Whereas a Roll of Parchment, containing in Writing certain Articles of the Tenor underwritten, on the behalf, and in the Name of the 3 Estates of this Realm of England, that is to say, of the Lords Spiritual and Temporal, and of the Commons by Name, and other Nobles and notable Persons of the Commons in great multitude, was presented, &c.—— Now for as much as neither the said 3 Estates, neither the said Persons, which in their Name presented and delivered the said Roll unto our said Sovereign Lord the K. were assembled in Parliament, &c. Therefore be it ordained

dain'd——in this present Parliament, that the Tenor of the said Roll——presented——in the behalf of the said 3 Estates of Parliament, now by the said 3 Estates assembled in this present Parliament, and by Authority of the same, be ratified, &c. The Roll it self, which is there spoken of, begins thus: Pleaseth it your noble Grace to understand the Considerations, Election, and Petition underwritten of us the Lords Spiritual and Temporal, and Commons of this Realm of England, and thereunto agreeable to give your assent, &c.——We consider, how that afterwards by the 3 Estates of this Realm assembled in Parliament holden at Westminster 17. E.4. &c. They add, that they, the 3 Estates, had elected him King; and afterwards it follows: Therefore at the Request, and by the assent of the 3 Estates of this Realm, that is to say, the Lords Spiritual and Temporal, and Commons of this Land assembled in this present Parliament, and by the Authority of the same be it pronounced, &c.——*de assensu Dominorum Spiritualium & Temporalium in dicto Parl. & Communitatis prædictæ, &c.—— ac idem Dominus Rex de assensu dictorum Statuum Regni——pronunciat, &c.*

An. 1529. the Clergy protest against the Statutes of *Præmunire*, made in that Parliament, *ad quæ facienda nec consenserunt per se, nec per Procuratores suos.* The Petition is extant in the Appendix of the Rights of Convocations, num. XV.

An. 1530. 21 H. 8. a Letter (a) writ to the Pope about the Affair of the Divorce, was subscrib'd by many Members of Parliament in 8 Classes, Archbishops, Dukes, Marquesses, Earls, Bishops, Barons, Abbots, the 8th Class is *Milites & Doctores in Parlamento*, of whom there are XI. and several of 'em Cler-

gymen, as particularly *Wolman, Sampson, Gardiner, Lee, &c.* The Pope's Answer is thus directed: *Ven. Fratribus Archiepiscopis & Episcopis, ac dilectis filiis Abbatibus, Nobilibusq; viris, Ducibus, Marchionibus, Comitibus, Baronibus, Militibus ac Doctoribus Parlamento Regni Angliæ.* The Author of the *Rights of Convocations* (a) takes these Clergymen to have subscribed as Members of Convocation; for *Wolman*, as he observes, was at this time *Prolocutor*: And he cannot see, how otherwise some of 'em could be reckon'd of the *Parliament*, being not call'd up thither, either as the King's great Officers, or by Writ of Assistance. I grant it might be so. But what if I should say, that those Clergymen subscribed as Members of the House of *Commons*? This would be more extraordinary; and yet I know not but it may be true. That at least before the *Reformation*, such Clergymen as were Men of *Estates*, were allow'd to sit in that House as *Members*, take another Instance out of the *Parl. Roll* of 20 R. 2. where *Th. Haxey* a Clergyman is said to be the Person that brought into the H. of *Commons* a certain Bill which was very displeasing to the K. The (b) *Roll* tells us, that the *Commons* having in a Conference with the Lords made a certain Demand, the K. was highly offended, and will'd the Duke of Lancaster to charge Sir J. Bussey Speaker to the Parliament, to declare the Name of him who exhibited the Bill: and that the *Commons* deliver'd the Exhibiter, which was Sir Th. Haxey. And that he was a Clergyman appears from the same *Roll*, where it is said, that being by Parliament condemned to dye as a Traytor, the Archbishop of *Canterbury* and the Bishops craved of the K. that he might have his Life, and that for the Ho-

(a) P. 343. (b) *Abridg.* 20 R. 2. n. 15, 16.

nessy of the Church, he might remain in their keeping: which was granted. In the *Parl. Roll* of 1 H. 4. he is mentioned agen, as a Rector of more Parishes than one, and also as possessed of a temporal Estate num. 91. Upon the Petition of Sir Th. Haxey Clerk, the K. pardoneth and revoketh the Judgment made against him in an. 20 R. 2. tit. 23. restoreth him to the Blood, and to the recovery of all his Goods, Livings, Lands, and Tenements. That Wolman the Prolocutor of the Convocation, should be a Member of the H. of Commons, seems no more extraordinary, than that a Clerk of the Parliament should be Prolocutor of the Convocation, as we have an Instance of about the same time. Clergymen as Men of Estates have an Interest not in Convocation, but in Parliament: and if in those days they were chosen Members of Parliament on account of their temporal Estates, by which they are as much a part of the *Common Wealth* as any Layman is, it's no more to be wonder'd at, than that a Countrey Minister should sit as a Baron in the H. of Lords, or that the Bishops should sit at the same time in Convocation and in Parliament; or that the Chancellor of York, tho' a Layman (and so capable of sitting in the H. of Commons) yet as Chancellor of that See, is always a Member of that Convocation. *Primo Mariæ* it appears that a certain Clergyman (a) was chosen a Member of the House of Commons, but then it was adjudged by the House that the Clergy cannot be chosen because they are represented by another Body.

An. 1547. 1 E. 6. an Attempt was made in Convocation to have the *Lower-House* united to the House of Commons. In certain MS. Extracts out of the Actss of that Convocation I find it thus:

(Sessione 3.) Istâ 22â. die Novemb. convenientes supra nominati in Inferiori Domo, concordatum fuit, ut D. Proloquutor nomine totius Domus referat Reverendissimo, &c. subsequentes Petitiones — Item ut pro nonnullis urgentibus causis Convocatio hujus Cleri si fieri possit assumatur & cooptetur in Inferiorem Domum Parliamenti, sicut ab antiquo fieri consuevit.

(Sessione 7.) Isto die communi consensu nominati & assignati fuerunt M. Rolandus Merick, Joh. ap Harry, Joh. Williams, & Elizeus Prife Doctores, in sollicitatores ad obtinendum effectus sequentes, viz. *That the Petition made to have this House adjoin'd to the Lower House of the Parliament, may be obtain'd.*

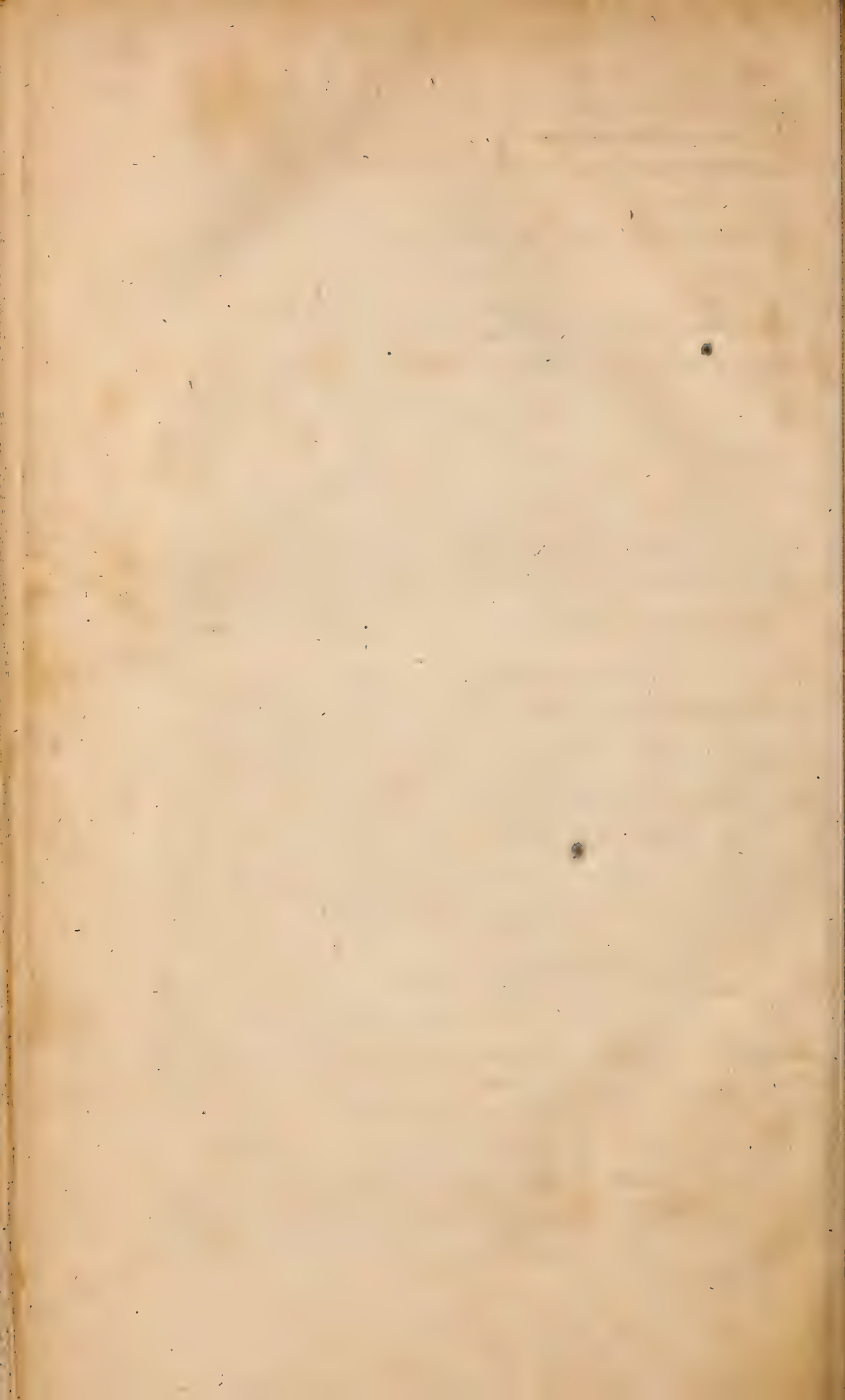
In the next Reign the same thing was again attempted, though not in so publick a manner, by Bishop *Ravis*; whose Reasons for a Reunion of the 2 Houses, offer'd to Q. *Elizabeth*, are extant in the Appendix of that Excellent Work, the Lord Bishop of *Sarum's History of the Reformation*. Vol. 2. n. 18. I call'd it *that Excellent Work*, and such certainly it is, notwithstanding the many Attacks that have been hitherto made upon it: For though there may be some Mistakes in it (as what Writer has not many?) yet in the whole it must be acknowledg'd by all impartial Judges to deserve that Applause with which it has been honour'd by the *Commons of England* assembled in Parliament. I shall add what I know, that there is no one can receive the Corrections of any Work, with greater Thankfulness and Candour, when offer'd in a becoming and friendly manner, than his Lordship does. I beg his leave to say, that his Candour in that is equal to the Greatness of his Genius.

I said in the beginning of these Papers, That they that are summon'd by the *Præmunientes*, have not sat in Parliament for some hundreds of years. For some Ages
together

together the Writ has been seldom executed, or if executed, never effectually obey'd; neither has it been expected it should be. By never effectually obey'd, I meant, that it has not been so obey'd as to be Return'd into the Crown-Office, and that no one for some Ages has been so constituted a Proxy for any of the Inferiour Clergy, as to be sent up on that Errand. Whether this be true or not, I leave to the Judgment of others.

That the *Præmunientes* has been executed by some Bishops within that time, and that it has been so far obey'd, as that *Proxies* were nominated, and their Commissions Enter'd, is clear matter of Fact. But Instances of that kind we have had even within these few Years, so late as 1676. (in the Diocese of Peterborough) when we are sure there could be nothing intended but meer *Form*. And from thence it may be reasonably inferr'd, that in some antienter Instances there might be no more done or intended.

Upon comparing all things together, I take the *Præmunientes* to have been continued in the Writs, after it became a constant Custom for the Clergy to meet in a separate Body by vertue of the Archbishops Mandate, that thereby our Kings might assert their Right of Calling the Clergy (if they please) to Parliament; which the Clergy oppos'd as an Invasion and Inroad upon their Liberties.



The Third Part of the

HISTORY

O F

CONVOCATIONS.

Synods under the Conqueror, in the time of Stigand and Lanfranc, Archbishops of Canterbury.

HAVING finish'd the History of *State Councils* or *Parliaments*, by bringing it down to the time of their full and uninterrupted Establishment, as it now stands (and may it ever so stand) I return now back to the time of the *Conquest*, to give an account of our *Ecclesiastical Councils* or *Synods*, which have been since that time.

For some of the first *Reigns* after the *Conquest*, as well as before, *State Councils* and *Synods* were so much alike, that some of those which I have call'd *State Councils* and *Parliaments*, and given already an account of as such, may as well be reputed *Ecclesiastical Conventions*, or *Synods*. And some of those

those which I am now to mention, may as properly, perhaps, be called *Parliaments* as *Synods*; such I mean as were not called by the *Archbishop's*, nor by the *Pope's* Authority.

Before the *Conqueror's* time, tho' the King himself with his Nobility were generally present in the *Ecclesiastical* Councils, and our *Ecclesiastical* Laws themselves do for the most part run in the King's Name, yet, as *Eadmer* plainly intimates, the Archbishop had Power of himself, without any particular Licence from the King, to call *Councils*, and so to make *Canons*. But the Power of making *Canons* the *Conqueror* thought fit to deprive him of, as the same Author expressly tells us; not permitting any *Council* to Enact or Decree any thing without his particular Approbation. (a) *Cuncta Divina simul & Humana ejus nutum expectabant. Quæ cuncta ut paucis animadvertantur, quædam de eis quæ Nova per Angliam servari constituit, ponam, æstimans illa scitu esse necessaria ad cognitionem eorum quorum causa maxime illud scribendi onus suscepimus. Non ergo pati volebat quemquam in omni dominatione suâ constitutum Romanæ Urbis Pontificem, pro Apostolico, nisi se jubente, recipere, aut ejus literas si primitus sibi ostensæ non fuissent ullo pacto suscipere. Primatem quoq; Regni sui, Archiepiscopum dico Cantuariensem seu Dorobernensem, si coactò generali EPISCOPORUM Concilio præsideret, non sinebat quicquam statuere aut prohibere nisi quæ suæ voluntati accommoda, & a se primò essent ordinata.* To the same purpose (b) *Knyghton*, but out of *Eadmer*: *Ipse Lanfrancus Regem Willielmum Conquestorem (acra tractabat arte, non rigide objurgando, sed seria joci immiscendo; erat nempe Rex Willielmus timoris (read tumoris) immoderati, secularia & Eccle-*

(a) *Hist. Nov. P. I. p. 6.* (b) *Col. 2362.*

fastica ad libitum disponens; nullum in terrâ suâ pro Apostolico admittens, nisi animo suo blandiretur. Concilium in Regno suo nullum cogi nisi se consulto, nec aliquid ibi definiri nisi ipse dictâset. And Malmesbury (a) tells us, that the Conqueror permitted Archbishop Lanfranc to call Councils. Willielmus Rex in omnibus ei assurgebat, aggaudebatque & ei & alijs, quos in bono fervore audisset, PERMISITque ei CONCILIA CONGREGARE.

In his own Country of Normandy, before he came into England, the Provincial or Metropolitan Synods were wont to be called by his Order, and when they met he used to be present in 'em. So we are told by (b) *Gulielmus Pictaviensis: O recolendam, O imitandam, O in omne ævum propagandam diligentiam: Abbates atq; Pontifices persona principans & laica pro disciplina Ecclesiastica subtiliter monebat, constanter exhortabatur, severe castigabat. Quotiens ejus Edicto & hortatu convenere Præsules, Metropolitanus cum Suffraganeis, de Statu Religionis, Clericorum, Monachorum, atq; Laicorum acturi: Synodis his arbitrum deesse nolebat, cum ut præsentia suâ studiosis adderet studium, cautionem cautis: tum ne alieno testimonio discere indigeret qualiter fuissent acta, quæ cuncta rationabiliter, ordinate, & sancte acta fuisse desiderabat.*

His Uncle Malgerius, Archbishop of Roan, he deposed in a Synod of Norman Bishops, with the concurrence of a Legat from the Pope. *Deposuit Patrum in publico sanctæ Synodi, Apostolici Vicario, cunctisq; Normanniæ Episcopis juxta Canonum auctoritatem sententiam dantibus unanimi consensu. Ibid:* But the Author seems to intimate, that the Legat only, and the Bishops passed Sentence upon him.

In the *Chronica S. Stephani Cadomensis*, he is said to preside in the Provincial Council of Roan, which

(a) F. 121. b. (b) p. 194.

was held *An. 1074* (or 1072) *Præsidente Willielmo Anglorum Rege, Normannorum Principe, & Joanne Archiepiscopo cum suis Suffraganeis.* To the same purpose our * *Waverley Annals.* But in the Decrees of that Synod, which are extant in (a) *Ordericus Vitalis*, I find no mention at all of the King, but *Statutum est a nobis*, that is, the Bishops. And *Vitalis* says of it: *Cui Joannes ejusdem urbis Archiepiscopus præerat, & vestigia Patrum secutus utilitati Ecclesiasticæ omnimodis consulebat, cum Suffraganeis suis.* At the end of the Canons, he has these Words: *Huic Concilio consenserunt Joannes Archiepiscopus Rothomagensis Ecclesiæ, Odo Baiocensium Episcopus, Michael Abrincatensis Episcopus, Gislebertus Ebroicensis Episcopus; & quamplures etiam venerabiles Abbates.*

But in the Synod of Illebon, which was held *An. 1080.* according to *Vitalis* (b) himself, the King was present, together with all the great Men of Normandy. *An. 1080 Rex Guillelmus in Festo Pentecostes apud Illebonam resedit, ibiq; Guillelmum Archiepiscopum, & omnes Episcopos, & Abbates, Comitesq; cum alijs Proceribus Normanniæ simul adesse PRÆCEPIT. Ut Rex jussit, factum est. Igitur—— de statu Ecclesiæ Dei, totiusq; Regni, providentiâ Regis cum Baronum suorum consilio utiliter tractatum est.*

Another Synod of Roan, called within a few Years after the Conqueror's Death, is said to consist of the Bishops and Abbots. *Guilielmus Archiepiscopus Concilium Præsulum & Abbatum Rotomagi congregavit, & de necessarijs Ecclesiæ rebus cum Suffraganeis suis per aliquot dies tractavit. Ibid. (c)*

In another (d) which the same Archbishop called at Roan, he is said *cum Suffraganeis Episcopis de utilitatibus Ecclesiasticis tractasse.* The Decrees of

* *An. 1074. (a) Lib. 4. p. 527. (b) p. 552. (c) p. 700. (d) ibid p. 721.*

which run with a *Statuit sancta Synodus*. But the same Author adds, that there were present in that Synod, not only the *Bishops* and *Abbots*, but the *CLERUS* too, with many of the *Proceres*. *Abbatēs quoq; totius provinciae, cum CLERO, & parte Procerum pacem optantium affuerunt.*

In another Synod held at the same place, *An. 1118* the *Archbishop* is said to have spoken (a) *de Statu Ecclesiae Dei cum quatuor Suffraganeis Præsulibus, & Abbatibus multis.* And while that Synod was held by the *Archbishop*, the *King* (our *Henry I.*) held another Council with his *Barons*. *Indictione XI. Non. Octobris Concilium Rotomagi Congregatum est. Ibi Rex Henricus de pace Regni tractavit cum Radulpho Cantuariæ Archiepiscopo, alijsq; Baronibus, quos aggregaverat. Ibi Goiffredus Rotomagensis Archiepiscopus* (went aside, and) *de statu Ecclesiae Dei, &c. (ut supra).*

But to return out of *Normandy* into *England*. The first Synod said to be held here under the *Conqueror*, is that of the Year 1068, in which a *Charter of Exemption* is pretended to be granted to *S. Martins le grand* in *London*. The *King* in that (b) *Charter* says, he granted it, *Archiepiscoporum, Episcoporum, Abbatum, Comitum, & universorum Procerum meorum sicco consilio parens.* — *Scripta est hæc cartula An. ab Incarn. D. 1068. Scil. 2do Anno Regni mei, peracta vero est hæc donatio Die Natalis domini; & postmodum in die Pentecostes confirmata, quando Mathilda conjux mea in Basilicâ S. Petri Westm. in Reginam divino nutu est consecrata.* Subscribed by the *King* and *Queen*, their *Son Richard*, the 2 *Archbishops*, 7 *Bishops*, 9 *Abbots*, 7 *Earls*, 2 *Prin-*

(a) Ibid. p. 846. (b) Monast. Vol. 3. Append. p. 26.

ces, the Chancellor, 8 Chaplains : and last of all, by 2 Legats from the Pope. Ego Johannes sanctæ Ecclesiæ Romanæ Cardinalis Presbyter, per Gallias & Angliam, concedente Papâ Alexandro, vices Apostolicas gerens, huic Constitutioni interfui, & quantum Apostolicæ sedi pertinuit, libertatem Ecclesiæ præsentî signo confirmavi. Ego Petrus sanctæ Romanæ Ecclesiæ similiter Cardinalis Presbyter & Cancellarius; huic Constitutioni adquiescens propriâ manu subscripsi. But this Synod is nothing but a Fiction, and the Charter a Forgery. For not to mention other things, it is certain that those two Legats came not into England till the Year 1070. or at soonest not till about the middle of 1069.

The first real Synod which was held here after the Conquest, was that of Easter 1070. held at Winchester : in which Stigand Archbishop of Canterbury was deprived. The King having a mind to have him deprived, desired Pope Alexander II. to send hither certain Legats for that purpose. Accordingly the Pope sent him three, viz, Hermenfred, Bishop of Sedunum, and John and Peter two Presbyter Cardinals, the same who are feigned by the Author of the foremention'd Charter, to have been here in the Year 1068. Divers reasons are mentioned by our Historians for which Stigand was depriv'd, but the true Reason is not mention'd by any, tho' it be very obvious, and that is, That the King might have one in that Post whom he might trust. For Stigand was an Englishman, and of great Power, and that was reason enough: tho' he had besides many real and great Faults; at least if we may believe the Monks, who all in general hated him, because he had been not a Monk but a Secular, and was the first Secular that ever sat in the See of Canterbury.

This

This was done by the King's Consent, who was present in the Synod. Florence of Worcester, and out of him, (a) Hoveden, (b) Simeon Dunelm: (c) and Radulphus de Diceto (d). *Concilium magnum in Octavis Paschæ Wintoniæ Celebratum est, jubente & præsentente Rege Gulielmo, domino Alexandro Papa consentiente, & per suos Legatos — suam auctoritatem exhibente.* Malmesbury de gestis Regum (e) *Stigandum perperam & falso Archiepiscopum, per Cardinales Romanos, & Ermenfredum Episcopum Sedun. deponi (Rex) passus est.* De gestis Pontif (f) *Veniente in Angliam Ermenfredo, Sedun. Episcopo, Legato Alexandri Papæ, qui ad voluntatem Regis, coacto Concilio Stigandum deposuit, fidem Willielmi appellentem, & violentiam reclamantem. Et quamvis ille se blande excusans præceptum Papæ objectaret, non tamen opinionem affectatæ depositionis exclusit, quod eum toto ævo in vinculis Wintoniæ habuerit.* Bromton (g). *Concilium, annuente Papa Alexandro, Wintoniæ (Rex) statuit celebrari, duobus Cardinalibus ad Ecclesiam Anglicanam dissonendam regijs literis accersitis ibidem præsentibus, &c.* Gervasius (h) *Stigandus qui a domino Papa Alexandro justis ex causis depositus est.* Thorn. (i) *Eodem anno Wyntonæ celebratum fuit Concilium Ecclesiæ Anglicanæ, in quo Rege ordinante Stigandus Archiepiscopus ignominiose degradatus vinculis perpetuis mancipatur.* Knyghron. (k) *Veniente in Angliam Legato Papæ de Regis conniventia Concilium celebrante Stigandus depositus est.* A little after he says, the Council was held annuente Papâ Alexandro II. præsentibus ibidem 2 Cardinalibus. Westm. (l). *Concilium magnum in*

(a) F. 259. b. (b) Col. 201. (c) Col. 482. & de Archiep. Cant. p. 684. (d) An. 1070. (e) f. 62. (f) f. 116. b. (g) Col. 967. (h) Col. 1310. (i) Col. 1787. (k) Col. 2344. (l) An. 1070.

Octavis Paschæ, apud Wintoniam celebravit Ecclesiâ tota Anglicana, Rege procurante, ubi multa regnum contingentia mutata sunt, &c. A M S. Chronicle of good note in (a) Lambeth Library, has the same Words, but *TOTA* it has not. Rudborne: (b) *Wilhelmus Rex Concilium magnum in Octavis Paschæ apud Wynt celebravit cum totâ Ecclesiâ Anglicanâ; ubi multa, &c.* *Annales Ecclesiæ Winton An. 1070.* *Petrus & Johannes Cardinales ab Alexandro P. missi pervenerunt in Angliam; & coactô Concilio ad voluntatem Regis Stigandum Archiepiscopum degradaverunt assensu & voluntate Wilhelmi Regis.* Birchington: (c) *Iste Stigandus in Concilio apud Wintoniam celebrato A. D. 1070 jubente & præsidente Rege Wilhelmo Battardo, D. Alexandro Papâ consentiente & per Legatos suos Hermenfredum Sedun. Episcopum, & Johannem & Petrum Cardinales suam auctoritatem exhibente degradatur.* Hemingsford, who seems to place it to the Year 1066 or 67. *Accersitus literis Regijs ad disponendam Ecclesiam Anglicanam Apostolicæ Sedis Legatus, Concilium in Angliâ celebravit in quo Stigandus, &c.* The Chronicle of Mailros: *Stigandus ab Archiepiscopatu deponitur a Legatis Alexandri Papæ.* Ordericus Vitalis Hist. Ecclesi. lib. 4. *Post hæc Guillelmus Rex Dominicam Resurrectionem in urbe Guentæ celebravit, ubi Cardinales Romanæ Ecclesiæ Coronam ei solenniter imposuerunt. Nam ex petitione ipsius Alexander Papa tres idoneos ei ut clarissimo (Charis) filio legaverat Vicarios, Ermenfredum Pontificem Sedunorum, & duos Canonicos Cardinales. Quos apud se anno ferme Spatio retinuit: audiens & honorans eos tanquam Angelos Dei. In diversis locis, in plurimis negotijs sic egere, sicut indigas Canonice examinationis & ordinationis regiones illas dinovere. Maxima vero ac utilis-*

(a) 4^o 160. (b) p. 249. (c) Vit. Cant. Archiep.

A History of Convocations.

Ima Synodus Windressoris celebrata est anno 1070 ab Incarn D. Rex & Cardinales eidem Concilio præfederunt & illic Stigandum pridem reprobatum anathemate, deposuerunt. Thus different Authors express themselves in different Terms concerning that Council. But none of 'em seem to be of any considerable Authority in this Matter besides *Florence*, and *Malmesbury*, and *Vitalis*, who lived near the time. And from *Malmesbury* it should seem that the King was so far from *presiding* in that Council, that he did not so much as subscribe to it, at least not Vote in it.

In the same Synod, *Agelmar*, the Archbishop's Brother, Bishop of the *East-Angles*, was likewise deprived, together with divers other *Bishops* and *Abbots*, without any real Crime but that they were *English*. Tho *Vitalis*, a *Norman*, tells us, that they were deprived *propter criminofam vitam, & curæ Pastoralis infcitiam*.

Wulstan Bishop of *Worcester*, who had the good luck to escape there untouched, moved in the same Synod, both to those that *presided* in it, and also to the King (says *Florence*) that the Lands which the Archbishop of *York* had dispossess'd the Bishops of *Worcester* of, might be restored to his Bishoprick. But the Archbishoprick of *York* being at that time void, the Consideration of that Cause was put off till there should be a new Archbishop constituted.

The Archbishop of *Canterbury* being deprived, the 2 Cardinals returned to *Rome*, but the Bishop of *Sedunum* (or *Sion*) the other Legat, continued here sometime longer, and on the Morrow after *Whitsunday*, held another Synod at *Comindor* by the King's command, and there deprived *Agelric* Bishop of the *South-Saxons*, together with
divers

divers other Abbots. Florence: *Die autem Pentecostes Rex apud Windeforam, venerando Bajacensi Canonico Thomæ, Eboracensis Ecclesiæ Archiepiscopatum, & Walcelino suo Capellano Wintoniensis Ecclesiæ dedit præsulatum. Cujus jussu mox in crastino prædictus Sedunensis Episcopus Armenfridus Synodum tenuit, Johanne & Petro præfatis Cardinalibus Romam reversis. In quâ Synodo Ageiricus Suthsaxonum Pontifex non Canonice degradatur, quem Rex sine culpa mox apud Mearlesberge in custodia posuit: Abbates etiam degradati sunt quamplures. Hoveden and Simeon Dunelm. have both the same words.*

In the same Synod, that Legat made certain Injunctions touching Pennance, to be impos'd on the Conqueror's Soldiers, for their Murders, Ravishings, &c. which are published (a) out of a Saxon Vol. once belonging to the Church of Worcester, with this Preface: *Hæc est pœnitentiæ institutio, secundum decreta Normannorum Præsulorum, auctoritate summi Pontificis, confirmata per Legatum suum Ermenfredum, Episcopum Sedunensem, imponenda illis hominibus quos Willielmus Normannorum dux, suo jussu, & qui ante jussu sui erant, & ex debito, ei militiam debebant.* In the second Volume of our Councils this is erroneously placed *ad an. 1076.*

Lanfranc being on Aug. 29 following Consecrated Archbishop of Canturbury, and Thomas being soon after Consecrated by him Archbishop of York, Bishop Wulstan's Cause touching the Lands withheld from him by the Archbishop of York, was brought on in a great Council or Parliament at *Pedreda*, where it was also controverted whether the Bishoprick of Worcester ought not of Right to be

(a) Concil Tom. 2. p. 13.

united to the Archbishoprick of *York*; and it was carried at last in the Negative, and so Bishop *Wulstan* kept his Bishoprick, as I have elsewhere shewn. Of this our *Legendary* Writers have raised many idle and fabulous Stories, as that *Wulstan* was like to be deprived in a Synod because he could not speak *French*, and that he was preserved by a Miracle at the Confessor's Tomb: and *M. Paris* among others, who is a great follower of those *Legendary* Fables, has related it. Whereas it appears from *Florence* and *Malmesbury* in the Life of *Wulstan*, to be a meer Fiction. Some tell us, it was done in the Synod where a Canon was made for the translation of the Bishops Sees from the lesser places to greater: So *Polydore Virgil*. Others that it was done in a particular Synod held 1074. And so *Binius* in his Edition of the *Councils*, and after him Sir *Henry Spelman* in the second Vol. (a) of our *English Councils*, have made a distinct Synod of it. But the whole matter, as much of it as is true, was transacted in the Parliament of *Pedreda*, which was held about the end of 1070 or the beginning of 1071.

An. 1071 the two *Archbishops* go together to *Rome* to receive their *Palls*, and there before the Pope the Archbishop of *York*, who had before been obliged by the King and his Council to make Profession of Obedience to the See of *Canterbury*, renews that Controversie concerning the Primacy, and urges withal, that the three Bishopricks of *Lincoln*, *Worcester*, and *Lichfield* belonged to the Province of *York*, and not of *Canterbury*. The Pope being not able to determine

(a) p. 7.

a Controversy of that Nature, refers it to an *English Synod*. Decrevit Alexander P. (says *Malmesbury* (a) *oportere Causam hanc in Anglicam terram audiri, & illic totius regni Episcoporum & Abbatum testimonio & iudicio definiri.*

Accordingly at *Easter 1072.* in a Council held in the King's Palace at *Windsor*, the Matter was debated, and there it was decreed That the Church of York ought to be subject to that of Canterbury; so that the Archbishop of York should be oblig'd to make Profession of Obedience (but not to take an Oath) to the Archbishop of Canterbury; and when, and wheresoever, the Archbishop of Canterbury thought fit to hold a Synod, he should be obliged according to the ancient Custom, to come to it, together with his Suffragans. *Ita ut si Cantuariensis Archiepiscopus Concilium cogere voluerit; ubicunq; ei visum fuerit, Eboracensis Archiepiscopus sui presentiam cum omnibus sibi subiectis Episcopis ad nutum ejus exhibeat, & ejus Canonis dispositionibus obediens existat.* There also it was ordained, that all beyond *Humber* so far as *Scotland*, should be subject to the Archbishop of York: And that upon the death of an Archbishop of Canterbury, the Archbishop of York should come to Canterbury to Consecrate the new Archbishop who should be chosen: And when an Archbishop of York should die, he that should be nominated by the King to be his Successor, should come to Canterbury, or wherever the Archbishop of Canterbury should think fit, to be Consecrated by him.

The Decree of this Council may be seen at large in *Malmesbury* (b). It is there said that this Cause was discussed in the presence of the King, the Bi-

(a) f. 217. b. (b) f. 117. b.

shops and Abbots: *In præsentia Regis & Episcoporum atq; Abbatum ventilata est causa de Primatu.* Malmesbury tells us, that it was the King's Court that gave Judgment, and determined that Matter. The two Archbishops, says he, returning from Rome, the Business being referred by the Pope to the Judgment of the Bishops and Abbots of the whole Kingdom, *uterq; ergo in Paschali solemnitate ad Regem venit, ibiq; prolatis in medium partium rationibus sententiam de negotio REGALIS CURIA dedit.* The same Author in another place (a) calls it, *Concilium totius Angliæ.* Archbishop Lanfranc in his (b) Epistle to the Pope, tells him, that the Council was called by his (the Pope's) authority. *In Concilio, quod Angliæ per vestram auctoritatem coactum est, &c.*

In the second Vol. (c) of our Councils there is the Decree of the same Council, together with the Subscriptions, published out of a M.S. in the Cottonian Library, in these Words: *Huic Constitutioni consenserunt præfatus Rex & Archiepiscopi. Ventilata est autem hæc Causa, prius apud Wentanam Civitatem in Paschali solemnitate in Capellâ Regiâ, quæ sita est in Castello; postea in Villâ Regiâ, quæ vocatur Windlesor; ubi & finem accepit in præsentia Regis, Episcoporum, Abbatum diversorum ordinum, qui congregati erant apud Curiam in Festivitate Pentecostes.* (so it is said there) The Subscribers are the King and the Queen, next to them *Hubertus S. Romanæ Ecclesiæ Lector, & D. Alexandri P. Legatus.* By which it appears that the Pope sent a Legat to be present in the Synod. Next to him the Archbishop of Canterbury, and 12 Bishops, and 11 Abbots. The Archbishop of York it seems, did not think fit to subscribe. This is said to be trans-

(a) f. 120. b. (b) ap. Malmesbury, f. 118. (c) p. 6,

cribed out of the *MS Sub Effigie Domitiani A. 5. n. 2.* I have met with the very same in another *MS.* of that Library *Cleop. E. 1. 7.* in a very ancient Hand, very near as old as the Council it self. In both Copies it is said, that the Council was held *ex præcepto ejusdem Alexandri P. annuente eodem Rege.* Which Words are not found in *Malmesbury's Copy.*

In (a) *The Rights of an English Convocation,* I find these Words quoted out of that *MS. Cleop. E. 1. 7.* as spoken of this Synod of 1072. *Convennerunt ad Regalem Curiam apud Civitatem Wentanam in Paschali solemnitate Episcopi, Abbates, cæteri ex Sacro & Laicali Ordine.* And the same Words I find produced by *Dr. Brady (b)* as out of the same Volume. But in the Transcript which I made out of that *MS.* I find no such Words: And I well remember, I was very careful to Transcribe the Words exactly. For **Abbatum diversorum Ordinum**, some Copies, as particularly That, have a Comma after *Abbatum*; so it is also in *Birchington*, who seems to have followed the very Original. For the Original, he says, with the King's Seal to it, was kept in his time (*servatur*) in the Church of *Canterbury.* And so by *diversorum ordinum*, I should understand the **Different Orders of Monks.** In the same *MS.* as also in *Mathew of Westminster*, the Synod is entituled *Generale Concilium Regni.*

Paris says of that Synod, *Eodem an. 1072. apud Windleshoram ex præcepto Alexandri P. Rege etiam Willielmo annuente in præsentia Huberti Romanæ Ecclesiæ Legati, ventilata est causa de Primatu—.* Huic igitur Constitutioni consenserunt Rex præfatus & Lan-

(a) p. 297. (b) *Introduct* p. 301.

francus Archiepis. Cant. & Thomas Archiep: Ebor.
cum prædicto Cardinali, & omnibus Episcopis & Abba-
tibus Regni.

An. 1075. Archbishop *Lanfranc* called a *National Council*, and made certain *Canons*, which was the first *Synod* that had been called of that kind a long time. In that Council, besides *Bishops* and *Abbots*, there were present many of the inferior *Monks*. Anno Incarn. D. 1075. regnante glorioso Anglorum Rege Willielmo, anno regni ejus nono, Congregatum est Londonijs in Ecclesiâ B Pauli Concilium totius Angliæ (or Angliæ) regionis; Episcoporum, viz. & Abbatum; necnon & multarum Religiosi ordinis personarum. jubente atq; eidem Concilio præsidente Lanfranco sanctæ Dorobernensis Ecclesiæ Archiep: præsule, totiusq; Britanniae Insulæ Primate, confidentibus secum viris Venerabilibus Thomâ Eboracensi Archiepiscopo, Willielmo Londoniensi Episcopo, Goiffredo Constantiensi (qui cum transmarinus esset Episcopus, in Angliâ multas possessiones habens, cum cæteris in Concilio residebat). After the names of 10 other Bishops, it is added, that the Bishoprick of Rochester was then void, and that the Bishop of Lindisfarn or Durham sent a *Canonical Excuse*. Then it follows: Et quia multis retro annis, in Anglico Regno usus Conciliorum obsoleverat; renovata sunt nonnulla, quæ antiquis etiam Canonibus noscuntur definita. Subscribed by the two Archbishops, 12 Bishops, *Anschitill Archdeacon* of the Church of Canterbury, and 21 Abbots.

In that Council (a) there was a Rule made for the Precedency of Bishops in Synods, That the Archbishop of York should sit on the Archbishop of Canterbury's Right Hand, the Bishop of London

(a) f. 121 b.

on his left, and the Bishop of *Winchester* by the Archbishop of *York*; but if the Bishop of *York* were absent, the Bishop of *London* should sit on the Archbishop of *Canterbury's* Right Hand, and the Bishop of *Winchester* on his left: And that all others should sit according to their Seniority.

In the same Council a (a) Canon was made, that none but *Bishops* and *Abbots* should presume to speak in a Synod, without the *Metropolitans* particular leave. *Ad comprimendam quorundam indiscretorum insolentiam ex communi decreto sentitum est, ne quis in Concilio loquatur præter licentiam a Metropolitano concessam, exceptis Episcopis, & Abbatibus.*

In the same a Constitution was made (*concessum est Regiâ munificentia & Synodali auctoritate*) that Bishops should remove their Sees from *Villages* to *Cities*, particularly that the Bishop of *Schireburne* should remove to *Salesberie*, the Bishop of *Selesey* to *Chichester*, and the Bishop of *Lichfield* to *Chester*. These 3 were the only ones then resolved on. There were others mention'd, who whether they should remove or no, was refer'd to the King, who was at that time beyond Sea. This appears from those VVords immediatly following the Names of those 3 Bishops. *De quibusdam, qui in Villis seu Vicis adhuc degebant, dilatum est usq; ad Regis audientiam, qui in transmarinis partibus tunc temporis bella gerebat.*

These could be no others than the Bishops of *Dorchester* and *Thetford*, who afterwards removed the former to *Lincoln*, the latter to *Norwich*. And yet it is to be observ'd, that in the Subscriptions of this Council there are not only the Bishops of *Salisbury*, *Chichester*, and *Chester* (who might sub-

(a) *Malmesb. f. 121, b.*

scribe themselves so, tho' not as yet actually removed, because declared Bishops of those Places by Council) but also the *Bishops of Lincoln and Norwich*: From whence I conclude the Subscription to be fictitious. The Bishop of *Exeter*, who is commonly thought to have removed from *Criditon* thither by vertue of this Constitution, was removed before the *Conquest*, in the *Confessors* time: The first Bishop of *Exeter* being (a) *Le-fric*, whose Successor *Osborne* subscribes himself Bishop of *Exeter*, in the Council of 1072. where all the rest subscribe by the Names of the old Places, as *Siraburnensis*, *Dorcatensis*, *Helmeanensis*, (otherwise styl'd *Tbetfordensis*) and *Cicestrensis*. *Knyghton* (b) tells us, that by vertue of this Constitution the See of *Cornwal* was removed to *Exeter*. He adds, That by vertue of the same, the Bishoprick of *Bath* was removed to *Wells*, (which also is false) and the Bishoprick of *Dorchester* to *Lincoln*: But he mentions nothing of *Norwich*. The like Errors may be found in our vulgar Historians, such as *Polydore Virgil*, &c. and the Synod is generally placed to a wrong Year.

In a Charter of *William the Conqueror* to the Church of *Lincoln*, recired in a *Diploma* or *Inspeimus* (c) of *K. Henry VI.* it is said, the Bishoprick of *Dorchester* was removed to *Lincoln* by the *Conqueror* in a Synod of Bishops, wherein were present certain *Legats* from the Pope, and the Pope's Name is said to be *Alexander*; from whence it should follow, that that Synod was held before this of 1075. for Pope *Alexander* there spoken of, died 1073. *W. Rex Anglerum T. Vice-comiti*,

(a) *Malmesb.* f. 145. b. (b) *Col.* 2351. (c) *Monast. Tom.* 3. p. 258.

omnibusq; Vice-comitibus Episcopatus Remigij Episcopi, salutem. Sciatis me transtulisse sedem Episcopatus Dorchacestrensis in Lincolniam Civitatem, auctoritate & consilio Alexandri Papæ & Legatorum ejus; necnon & Lanfranci Archiepiscopi, & aliorum Episcoporum regni mei. The same is again mention'd in a Charter (a) of W. Rufus, recited in the same *Inspecimus*, where also it is pretended, that the Legats were sent into England chiefly for that purpose: *Ecclesiam sanctæ Dei Genitricis quam prædictus Genitor meus Remigium Pontificem, virum venerabilem, sacris virtutibus pollentem, ejusdem Antistitis interventu in Lincolnâ Civitate construere jussit totius Episcopatus sedem, consensu & auctoritate Domini Alexandri, qui sanctæ Romanæ Ecclesiæ tunc vigili præsidebat curâ, & Legatorum ejus, quos ob hoc stabiliendum huc præcipue misit; necnon consilio Lanfranci Archiepiscopi, viri præclari, qui omnium Ecclesiarum primatum tunc citra mare tenebat, aliorumq; fidelium ejus, quæ viz. sedes incompetenter ac satis obscure in Dorchacestra antiquitus posita fuerat.* But the Authority of Charters is so small with me, that unless I saw the Broad Seal appending, I should not think the Testimony of many of them together, equivalent to the Authority of any one good Author sufficiently ancient. All that they convince me of is, that the Monk or Monks that forg'd 'em were of that Opinion. But when was that Synod in which those Legats were present? It could not be the same in which Archbishop Stigand was deprived, because Archbishop Lanfranc is said to have been in it: And in the Synod of 1072. there was only one Legat, as appears by the Subscription. Bromton (b) tells us, that Remigius removed his See from Dor-

(a) Ibid. p. 259. (b) Col. 983.

chester to Lincoln, by vertue of a Constitution made in the Council held under Archbishop Lanfranc, but not before the Year 1088. the first of *W. Rufus*: Eodem anno cum Episcopus Dorcestriæ quæ super Thamesim sita est major omnibus Angliæ a Thamesiâ usq; Humbram duraret, molestum visum est Remigio Episcopo ejusdem qui apud Fescampe Monachus fuerat, quod in ipso termino Episcopatus sui, scil. apud Dorcestriam, quæ urbs propter parvitatem sibi displicebat, sedes esset Episcopalis, cum in eodem Episcopatu Civitas clarissima Lincolnæ Episcopali sede dignior videretur, unde in ipsius urbis vertice juxta castellum fortissimis turribus eminens prædia mercatus, in loco forti fortem & perpulebram Virgini Virginum construxit Ecclesiam servientibus Deo gratiam. Provinciam tamen **Lindesepe** Archiepiscopus Eboracensis ex antiquâ temporum serie vendicabat. Remigius vero petitionem ejus sive calumniam minime timens, opus inceptum non segniter peregit, peractumq; Clericis doctrinâ & moribus approbatis decoravit, & tunc de Dorcestriâ usq; ibi sedem suam Episcopalem, prout **superius** tempore Regis Willielmi Conquestoris in Consilio SUB Lanfranco Archiepiscopo Londonijs celebrato ordinatum fuerat, transtulit & locavit. And Malmesbury (a) himself intimates, that Remigius Bishop of Dorchester did not think of removing to Lincoln till the latter part of his time: **Ille primis annis** (he was Consecrated by Archbishop (b) Lanfranc, and therefore not before about the end of the Year 1070) egregia apud Dorcestriam meditatus & aliqua facere ingressus, nobilissime curam omnem & sedem transtulit ad Lindocoliniam Civitatem.

(a) f. 165. b. (b) Giraldus Cambrensis de Viris Episcoporum Lincoln. c. 1.

In the same Synod of 1075. or in another held the same Year, (according to *Dugdale* in the (a) 2d Vol. of our Councils) it was debated, Whether such Matrons and Virgins as for fear of the Norman Ravishers had betaken themselves to *Nunneries*, and taken the *Veil* upon 'em to disguise themselves, should be obliged to continue there. And according to Equity, it was determined to the contrary. *Eadmer* (b) mentions the Council, but not the Year; and I think that very uncertain: only it should seem to have been done in the first Synod held by that Archbishop. *Quæsitum ab eodem Patre Lanfranco est, quid de his—ipse sentiret——. At ipse quæstionem ipsam Consilio generalis Concilij taliter solvit, &c.*

An. 1076. a Synod was held by the Archbishop at *Winchester*, in which, (c) among other things, it was Decreed that no Canon of a Church should be married; that Parish Priests who were already Married, should not be obliged to put away their Wives; but such as were not married should be obliged not to Marry; and that all who entred into Orders should Vow *Celibacy*. There also it was Decreed, that Bishops should hold *Synods twice* a Year, or as another Copy has it, *once* a Year. In the same Synod the Cause of *Agelric* or *Aylric* Bishop of the *South-Saxons*, is said by the Author of *Antiquitates Britannicæ* to have been fully determin'd. But that, I think, is a mistake, he being deprived *An. 1070.* by the Legat *Ermenfred*, appealed to *P. Alexander II.* who gave Archbishop *Lanfranc* a special Commission

(a) p. 7. (b) Hist. 1. 3. p. 37. (c) Vide Concil. Tom. 2. p. 11. ad. 14.

(a) to hear and determine the whole Matter. And since that Pope died in the Year 1073. I cannot but conclude, that that Cause was determin'd by the Archbishop before this time.

In a Charter (b) granted (at least pretended to be granted) by Q. Maud the Conqueror's Wife, to the Abby of Malmesbury, An. 1081. in the Month of February, the Archbishop is said to Excommunicate not only by his own Authority, but also by the Authority of his Clergy, such as should deprive the Abby of what that Charter granted: *Lanfrancus Archiepiscopus, autoritate Dei omnipotentis & suorum CLERICORUM, & potestate quâ possumus, Excommunicamus illos qui, &c.*

Archbishop Lanfranc is said to have held five General (or National) Councils, in which the Archbishop of York was present; the 1st and 3^d at Winchester, the 2^d at London, the 4th and 5th at Gloucester. So we find in the 2^d Vol. (c) of our Councils. But (d) Gervase reckons up 6 in these Words: *Quia a multis retroactis temporibus usus Conciliorum obsoleverat, ad extirpanda vitia concreta & virtutes inferendas, in diversis locis Concilia (Lanfrancus) celebravit. Primum apud Wintoniam, in quo certis ex causis deposuit Wulfricum Abbatem de Hida, & alia plura & utilia instituit. Secundum tenuit Concilium in Ecclesiâ S. Pauli Londoniæ, in quo recognitum est a majoribus terræ quod Eboracensis Archiepiscopus sedere debeat ad dexteram Archiepiscopi Cant. Londoniensis ad sinistram: cæteri vero Episcopi secundum tempus consecrationis suæ sedebunt, & ita deinceps observatum est.*

(a) Malmesb. f. 65. b. (b) Monast. Tom. 1. p. 53. (c) p. 15.

(d) Act. Pont. Cant. Col. 1654.

A History of Convocations.

3^m Concilium tenuit apud Wentoniam. 4^m vero in Londoniâ, in quo deposuit Alnothum Glastoniensem Abbatem. 5^m apud Claudiam. 6^m apud Glocestriam, in quo deposuit Wlretelum (l. Wlket:) Abbatem de Cruland. He seems not to have known that *Claudia* and *Glocester* was one and the same place.

In a *Latin* Fragment inserted in the *Saxon Chronicle* (a) out of a MS. in *Bennet College Library*, I find his Councils thus enumerated:

Hoc Anno (2^{do} ordinationis suæ) *generale Concilium Wentoniæ celebratum, in quo & Vuluricum, novi Monasterij Abbatem deposuit; multa; de Christianæ Religionis cultu servanda instituit.*

Quinto Anno, generale Concilium Londoniæ celebratum: cujus gestionem, rogatu multorum, literis commendavit.

Sexto Anno — Wentoniæ Concilium Celebratum.

Octavo Anno, Concilium Lundoniæ celebratum, in quo Ailnodum Glastingensis cænobij Abbatem deposuit.

Anno XI. Celebratum Concilium apud Claudiam Civitatem, ubi & Thomas Archiepiscopus Eboracensis, jubente Rege, & Lanfranco consentiente, sacrauit Wilielmum Dunelmensem Episcopum, eo quod a Scottorum Episcopis, qui sibi subiecti sunt, habere adiutorium non potuit, &c.

Anno 16 — apud Cleucestriam Concilium celebratum, in quo Wulstcetelum Crulandensis Cænobij Abbatem deposuit.

Of the Council of *Westminster*, which is mentioned in the Edition (b) of our Councils, as held *An. 1077*. I have spoken in the former (c) Part.

(a) p. 178. (b) Vol. 2. p. 14. (c) p. 156. 7.

*Synods under Henry I. in the time of Anselm,
and William Corbell Archbishops.*

IN the Reign of *William Rufus* there was no Synod at all held, the King not permitting it, tho' Archbishop *Anselm* much desired it. *Florence ad An. 1097*, and out of him *Hoveden*: *Mox inter Regem & Dorobernensem Archiepiscopum Anselmum ortâ dissensione, quia ex quo Archipræsul effectus est, Synodum tenere, & prava quæ per Angliam pullulaverant, non licuit corrigere, mare transijt, &c.*

So *Malmesbury* (a) *Nullum suo tempore Concilium fieri memini, in quo delictis enervatis vigor Ecclesiasticus confirmaretur.* The same is mention'd by *Ranulphus Cestriensis*, and by *Knyghton*, (b) whose words are, That he did not permit any Concilium EPISCOPORUM to be Celebrated; which are also the Words of a M.S. (c) *Chronicle in Lambeth Library.* *Anselm* (d) complains of it in an Epistle to Pope *Paschal II.* *Videbam in Angliâ multa mala, quorum ad me pertinebat correctio, quæ nec corrigere, nec sine peccato meo tolerare poteram* — *Concilium non permisit celebrari in regno suo ex quo Rex factus jam per 13 Annos.*

The Council of *Ireland*, which wrote in his time to Archbishop *Anselm*, to request him to Consecrate the Bishop of *Waterford*, consisted of the King, the Bishops, & quicq; Nobiles cum Clero & Populo ipsius Insulæ: as we read in (e) *Eadmer*.

(a) f. 71. b. (b) Col. 2369. 2373. (c) f. 169. (d) Epist. 4. lib. 3. (e) p. 36.

The *Annals of Winchester* tell us, that *An. 1093*; vi. Id. April the new Monks of *Winchester* were translated from the old Monastery in the presence of almost all the Bishops and Abbots of England. But that was in a *Curia* held there by the King, not in a *Synod*.

Archbishop *Anselm*, who had left the Kingdom in *Rufus's* time, being recalled by *Henry I.* and the King designing to marry *Mathildis* (or *Maud*) the Daughter of *Malcolm* King of Scotland, descended by her Mother from our Saxon Kings, called a *Synod* at *Lambeth* to consider whether she might lawfully be Married or not, because she had worn a *Veil* as a *Nun* in the *Nunnery* of *Wilton*. She alleged, that she had never made any *Vow*, and that the *Veil* was put upon her only to secure her from the violence of the Normans: and this she offer'd to prove *Judicio totius Anglorum Ecclesie*. — *Quid plura?* (says (a) *Eadmer*) *Differt Anselmus sententiam ferre & Causam judicio Religiosarum personarum Regni determinandam pronunciat. Statuto itaq; Die coeunt ad nutum illius, Episcopi, Abbates, Nobiles quiq; ac Religiosi Ordinis viri in Villa S. Andreæ de Rovecestra quæ Lambeth vocatur, quo & ipsum præsentis negotij tunc tenor adduxerat. — Remoto itaq; a Conventu solo Patre, Ecclesiæ Angliæ quæ convenerat in unum, de proferenda sententiâ tractat. Deinde illo in medium reverenter adducto, expositum est quid de negotio communis omnium consensus invenerit, &c.* The Cause was determined, says the same Author a little after, *per Episcopos & Religiosas personas*. This *Synod* sate a little before

Michaelmas, An. 1100. for she was married to the King within a few Days after; and that she was married on *Michaelmas Day*, I find in a MS. Chronicle in *Lambeth Library* (a) Of this Synod there is no mention in the Collection of our *English Councils*.

We are told by *Knyghton* (b) that the King took her to Wife *Celebrato Londonice PONTIFICUM Concilio*. But that was doubtless no more than a great *secular Convention*, unless he meant the Synod above mentioned.

An. 1102. the Archbishop held a Synod in *St. Peters at Westminster*, wherein divers *Constitutions* were made, particularly against the Marriage of the Clergy; and several *Abbots* were deposed for *Simony*, &c. The Persons of whom it consisted, were the *Bishops*, *Abbots* and *Principes*, who were summoned by the King at the Archbishop's Request, that there might be the Consent as well of the *Laity* as of the Clergy. Rege annuente (says Archbishop *Anselm* himself, in the (c) Acts of the Council, which he himself drew up,) *Celebratum est Concilium in Ecclesiâ B. Petri in Occidentali parte juxta Londoniam sita, communi consensu Episcoporum & Abbatum, & Principum totius regni. In quo præsedit Anselmus Archiep. Dorob. & Primas totius Britannix, confidentibus venerabilibus viris Gerardo Ebor. Archiep. — alijsq; tam Episcopis quam Abbatibus. Huic Conventui affuerunt, Anselmo Archiep. petente a Rege, Primates Regni, quatenus quicquid ejusdem Concilij auctoritate decerneretur, utriusq; Ordinis concordî curâ & sollicitudine ratum servaretur. Sic enim necesse erat quum multis retro annis, Synodali cultura*

(a) Fol. 192. (b) Col. 2375. (c) ap. Eadmer p. 67.

cessante, viciorum vepribus succrescentibus, Christianæ Religionis fervor in Anglâ nimis refrixerat. Eadmer calls it a general Council of the **Bishops and Abbots** of the whole Kingdom, and from him we learn, that the Decrees of it were confirm'd by the Pope. Florence (a) makes the Archbishop's Council to be distinct from the Convention of the Great Men with the King. His meaning is, that the Archbishop with his Bishops, &c. who had been called to the King's Council, went aside, and consulted among themselves of the Affairs of the Church. But in that he seems to be mistaken, for it appears from *Anselm's* own Words, above recited, that they sat all together. *In festivitatem S. Michaelis*, says Florence, *Rex fuit Lundoniæ apud Westm. & cum eo omnes Principes Regni sui, Ecclesiastici & secularis ordinis. Ubi duos de Clericis, duobus Episcopatibus investivit* — *Ubi etiam Anselmus Archiep. tenuit magnum Concilium de his quæ ad Christianitatem pertinent, confidentibus secum Archiepiscopo Eboracensi, &c.* So also *Hoveden*, (b) who every where transcribes Florence verbatim. *Gervase* (c) mentions none as present in it besides Bishops and Abbots. *Radulphus de Diceto* (d) mentions none but Bishops, *Cum omnibus Episcopis Angliæ Concilium tenuit Anselmus. Paris and Mathew of Westminster*, and a MS. (e) Chronicle, say it was held *præsente Rege, & Suffraganeis Episcopis*: They add, that it was held in London, in St. Pauls Church. The cause of which error seems to have been its being commonly called *the Council of London*. The *Annals de Margan* give this account of it: *An. 1102. Con-*

(a) *An. 1102.* (b) f. 269. (c) *Act. Pont. Col. 1660.* (d) *De Archiepisc. Cant. p. 687.* (e) *Lambeth 4º, 160.*

cilium magnum Celebratum est ap. London 5. Cal. Octob. duobus diebus : in quo depositi sunt quamplurimi Abbates, & Robertus Comes de Belesmo ab Angliâ expulsus est, cum fratre suo Arnulfo. But in this last Clause there is a mistake. For there were no Laymen punished there, much less banish'd. The *Annals of Waverly : Ad festum S. Michaelis fuit Rex apud Westmon. & cum eo omnes Capitales homines hujus terræ, Clerici & Laici. & Anselmus Archiep. tenuit ibi Concilium, &c.* They add, that many were there deprived of their **Bishopricks** and **Abbies**. But that there were no Bishops there deprived, is evident from the Original account of it, above cited, drawn up by the Archbishop himself, and extant in *Eadmer* and (a) *Malmesbury*, and from the account which all the elder Writers give of it, such as *Florence, Huntindon, &c.* The *Saxon Chronicle. Ad S. Michaelis festum, fuit Rex apud Westmynster, omnesq; summi viri hujus terræ, Clerici ac Laici, & Archiepiscopus Anselmus habuit Clericorum Synodum, qui ibi multas Leges confecerunt ad Religionem pertinentes, &c.* The *Antiquitates Britannicæ* in the Life of *Anselm*, call it a *Synod totius Cleri*. But it was not so.

Stubbs in his *Acts of the Archbishops of York*, where he stickles very hard for the ancient Independency of that See, will not own that Archbishop *Anselm* presided in that Council, but it was celebrated, he says, by both the Archbishops equally, and the Archbishop of *York* refused to sit there on a lower Seat than the Archbishop of *Canterbury*. *Placuit Archiepiscopis Anselmo & Girardo Concilium celebrare. Quo in Westmonasterio congregato, cum Monachi Archiepiscopo suo sedem singulariter celsam parassent,*

(a) f. 129. b.

Girardus indignatus & Dei odium ei qui sic paraverat
ad alter crans pede subvertit, nec sedere voluit donec
sibi sede cum Archiepiscopo pari parata. But had this
 been true, we should have had some account of it
 besides in that Author. Neither would *Anselm* have
 borne it, nor *Eadmer* have concealed it.

An *Anathema* or *Excommunication* being denoun-
 ced there against *Sodomites* and all their Assistants,
 the Sentence was by an Injunction of the Council
 commanded to be read publickly on *Sundays* in
 all the Churches of the Kingdom: But it being
 found inconvenient, the Archbishop by his own
 Authority dispensed with that Order, as *Eadmer*
 tells us: *Knyghton* (a) gives us the Reason, because
publicatio hujus vitij pravis mentibus fomes fuit majoris
audaciæ similia perpetrandi.

Binius, (b) and some others, make two Synods
 of this one.

What little effect these Canons had, we may
 learn from *Eadmer*, who tells us, that *within a few*
Days they were transgress'd by many Men of all sorts
and degrees. The Archbishop of *York* in a Letter
 which he wrote soon after to Archbishop *An-*
selm, tells him, that they were submitted to by
very few in his Province, where generally instead
 of obedience, he met with nothing but *Threats*
 and *Reproaches*. He could scarce prevail with any
 to enter into *Orders*, because they would not
 vow *Celibacy*, and the Canons of his Church re-
 fused to promise it. *Huntindon* (c) speaks with
 dislike of that Synod. Archbishop *Anselm* (says
 he) held a Council at *London*, *In quo prohibuit*
uxores Sacerdotibus Anglorum antea non prohibitis.

(a) Col. 2377. (b) Vide Spelm. Conc. Tom. 2. p. 23. 25.

(c) f. 217.

*Quod quibusdam mundissimum visum est, quibusdam periculosum, ne dum munditias viribus majores appetere-
rent, in immunditias horribiles ad Christiani nominis
summum dedecus inciderent.*

In the Collection of our Councils (a) there is mention made of a Council of London, *Super Ecclesiarum Investituris*, An. 1103. but it ought not to be stiled a Council.

The Council which was held about that matter, and in which the King gave up his Right to *Investitures*, was held in the Year 1107. And of that I have spoken already among the *Parliaments* of this Reign. All that I shall add concerning it here, is, that *Bromton* (b) makes it to be held in the Year 1103, and confounds it besides with the Archbishop's Synod above mentioned, held An. 1102. III. Kal. Augusti Clero & Populo ad Concilium Londoniæ congregato, astantibus Archiepiscopis, & Episcopis, cæteraq; multitudine maximâ Procerum & Magnatum, statuit Rex & concessit, &c. — In illo etiam Concilio Archiepiscopus Anselmus interdixit & prohibuit uxores Sacerdotibus, &c.

The former Council of 1102. against the *Marriage* of the Clergy having little or no success, the King in the Year 1108 espoused the Matter more earnestly, and called another Council against it. *Eadmer* (c): *Multi Presbyterorum statuta Concilij Londoniensis, — Postponentes, suas fæminas retinebant, aut certe duxerunt quas prius non habebant. Quod incontinentiæ crimen Rex subvertere cupiens, adunatis ad Curiam suam in solemnitate Pentecostes apud Londoniæ cunctis Majoribus Regni, de negotio cum An-*

(a) Vol. 2. p. 25. (b) Col. 1000. (c) p. 94.

felmo Archiepiscopo, & cæteris Episcopis Angliæ tractavit, eosq; ad malum illud extirpandum Regali Auctoritate atq; potentia fultos roboravit. Unde Anselmus Archiep. Cant. & Thomas electus Archiep. Ebor. (nam Gerardus nuper ad eandem Curiam tendens obierat) & omnes alij Angliæ Episcopi statuerunt in præsentia ejusdem gloriosi Regis Henrici, assensu omnium Baronum suorum, ut, &c. Florence ad An. Hæc sunt statuta de Archidiaconibus, &c. quæ An. 1108. statuerunt Anselmus Archiep. Cant. & Thomas electus Archiep. Ebor. cum eo, omnesq; alij Angliæ Episcopi, in præsentia Regis Henrici, assensu Baronum suorum. Statutum est ut, &c. These are the Words of the Council or Decree it self; and so it is extant in *Hoveden* (a) likewise, and in (b) *Simeon Dunelm.* (c) *Bromton* has much the same Words, but he makes it to be held at *Winchester*.

Hemingford (d) who confounds it with other Councils, tells us, that the Decrees of it were made by the *Archbishops and Bishops, cum Clero.* The learned Author of *the Rights of an English Convocation* (e) is mistaken, when he says, that *Hemingford* speaks this of the *Synod* of 1102. Neither can I agree with Him in concluding from *Hemingford's* Authority, that the Canons, of which he speaks, were made with the consent of the *Inferiour Clergy.* That Author speaks only according to the usage of his own time; and was so far from knowing more than other Historians, of whom the *Synod* was constituted; that it plainly appears from his confounding several Councils together, that he knew scarce any thing at all of it.

(a) f. 270. b. (b) Col. 231. (c) Col. 1001. (d) p. 470.
(e) p. 297.

Archbishop *Anselm* dying the Year following, the married Clergy, presuming that others would connive at it, began not to regard the Decree of this Council. But the King contrary to their Expectations, restrain'd 'em with greater rigour than ever before. But this rigour did not last long; for as *Eadmer* tells us, his *Edict* did after some time *tepscere*. *Malmesbury* (a) tells us, in general of *Anselm's* Councils, that they all came to nothing. *Ceterum de decretis Conciliorum ab eo celebratorum nihil attinet dicere, cum omnia jam obsoleta sciuntur deperisse; unde non casu factum, sed divino sensu putatur, ut & in ejus Consecratione & in Pallij susceptione legeretur: Misit servum suum hora coene, &c. In nullo enim ei efficaciter obtemperatum, sed omnibus pene prætexta excusatio, quæ vel prædicando docuit, vel interminando prohibuit.*

An. 1123. there being a Contention between the Archbishops, *William Corbel* of Canterbury, and *Thurstan* of York, touching the Privileges of their Sees, they both go to Rome to have a Hearing before the Pope. But at last to determine the Matter; the Pope promises to send certain Legats into England, before whom, in a Council of all England, the Cause should be heard: *Simeon Dunelm.* (b) *Infectis negotijs utriq; redeunt domum, quos ex jussu D. Papæ Legati Romanæ Ecclesiæ secuturi essent in Angliam; quibus præsentibus, congregato totius Angliæ Concilio, &c. But that there came any Legats into England to decide that Controversy he does not say.*

(a) *Eadmer* p. 105. (b) f. 129. b. (c) Col. 250.

An. 1125. Sept. 8. (a) John de Crema (b) a Cardinal Presbyter, being sent into England as Legat, from P. Honorius II. held a Council at Westminster, in which, after he had bitterly inveigled against the Marriage of the Clergy, he was found the same Night in Bed with a common Strumpet. Huntindon (c) a Writer of the same Age, tells us that it was a Matter too notorious to be denied, or to be conceal'd. *Res apertissima negari non potuit, celari non decuit.* So out of him Hoveden (d), Bromton (e), and (f) Knyghton; the two last concluding the Story in these Words, *Hoc si cuiquam displiceat, taceat ne Johannem sequi videatur.* It is mentioned also by (g) Paris, (h) Hemingford, and others (i).

The Canons of that Council are recorded by the (k) Continuator of Florence, and by (l) Simeon Dunelm: In the end of which I observe these Words thrice repeated, *Placet vobis? Placet.*

Of whom it consisted the same Authors tell us, the latter transcribing from the former: *Præfuit hac Synodo Johannes de Crema——cum Gulielmo Cant. & Turstano Eboracensi Archiepiscopis, & cum Episcopis diversarum provinciarum numero 20. & Ab-*

- (a) On the Nativity of the blessed Virgin, says Huntindon. On the 9 Sept. says the Continuator of Florence. Matthew of Westm. says 4 Kal. April. Thorn Col. 1798. in April. But that was the time in which the Legat first came into England. Hoveden and the Waverly Annals tell us that he came into England at Easter, but the Synod was not held till Sept. (b) Westminster calls him John de Cremona; Thorn and a MS. Chronicle in Lambeth Library (40160.) John de Cromonio. (c) f. 219. (d) f. 274. (e) Col. 1015. (f) Col. 2382. (g) p. 58. (h) p. 476. (i) Chron. MS. prædict. (k) ad An. (l) Col. 253.

batibus circiter 40. & cum innumerâ Cleri & POPULI multitudine. It was held, says Hemingford, *coram Clero & omni Populo.* The Saxon Chronicle, *Celebravit suum Concilium in Lundene tres integros dies (cæptum) Die Nativitatis S Mariæ, in Septembri, cum Archiepiscopis, & Diæcesanis Episcopis, & Abbatibus, & CLERICIS ac LAICIS, atq; sancivit ibi eosdem Canones quos Anselmus Archiepiscopus olim sanxerat, alijsq; multos; verum hand diu manserunt.*

Annales de Margan: Concilium maximum cogens apud Westm. omnium Episcoporum, Abbatum, PRIORUM, necnon & CLERICORUM, CANONICORUM, SCHOLASTICORUM etiam, & LAICORUM POTENTIUM, in excelso throno 4. dies præsedit, ipsis etiam Archiepiscopis sibi suppedaneis effectis.

Gervasius (a) His diebus venit in Angliam Legatus quidam nomine Johannes; a Wilhelmo Cant. Arch. & Turstano Ebor. & Episcopis Angliæ nimis pompose susceptus est. Post modicum idem Legatus peragrata Angliâ celebravit Concilium apud Westm. & totam Angliam in non modicam commovit indignationem. Videres enim rem eatenus regno Anglorum inauditam, Clericum scil. Presbyterij tantum gradu perfunctum, Archiepiscopis, Episcopis, Abbatibus, totisq; regni Nobilibus qui confluerant, in sublimi solio præsidere, illos autem deorsum sedentes ad nutum ejus vultu & auribus animum suspensum habere. Die quiq; Paschæ cum idem primo veniret in Angliam, officium diei loco summi Pontificis in matrice Ecclesiâ celebravit, eminenti Cathedræ præsidens & insignijs Pontificalibus utens, licet non Episcopus sed simpliciter fuerit Presbyter Cardinalis.

The Synod was summoned not by the Legat himself, but by the two Archbishops in their respective Provinces. And a Summons sent by the Archbishop of Canterbury to the Bishop of Landasse

(a) Col. 1663.

is still extant, Transcribed by Sir Henry Spelman out of the *Codex Landavensis*. By which it appears, that not only the Abbots and Conventual Priors, but also the **Archdeacons** were summoned to it. This being the oldest *Summons* that we have extant, I shall here Transcribe it.

Willielmus Cantuariensis Archiepiscopus Urbano Landavensi Episcopo salutem. Literis istis tibi notum facere volumus, quod Johannes Ecclesiæ Romanæ Presbyter Cardinalis atq; Legatus, Ordinatione nostraq; conniventia Concilium celebrare disposuit Lundoniæ in Nativitate beatæ semper Virginis Mariæ. Propterea præcipimus, ut in præfato termino in eodem loco nobis occurras cum Archidiaconibus, & Abbatibus, & Prioribus tuæ Diœcesios, ad definiendum super negotijs Ecclesiasticis, & ad informandum seu corrigendum quæ informanda vel docenda seu corrigenda docuerit sententia Convocationis nostræ.

The Archbishop look'd upon the Legat's presuming to hold a Synod here in England as a *Usurpation*, as indeed it was, and therefore it is that he uses these Words in the *Summons*, *Ordinatione nostraq; conniventia*, as not owning his Authority, tho' he dared not oppose it.

It was generally taken for granted before that time, that if a Legat were sent into England, and a Synod were to be held in his Presence, it was to be held not by him, but by the Archbishop; and therefore when in the Year 1114. the Legat *Anselm* was sent hither by Pope *Paschal* to bring the Pall to Archbishop *Radulphus*, the Bishops and Princes being all summon'd by the King to meet at *Westminster*, it was noised abroad, says *Eadmer* (a), throughout the whole Kingdom, that

(a) p. 114.

the Archbishop of Canterbury was to hold a general Council in the presence of the Popes Legat. Eodem anno Henricus Rex iussit omnes Episcopos, & Principes totus Regni ad Curiam suam sub uno venire. Unde rumor per totam terram dispersus est, PONTIFICEM CANTUARIORUM generale Concilium, presente Legato D. Papæ celebraturum, & nova quædam tantoq; Conventui digna pro correctione Christianæ Religionis in omni ordine promulgaturum. Itaq; ut Rex iusserat, 16 Kal. Octobris Conventus omnium apud Westm. in Palatio Regis factus est: & quod de Concilij celebratione & Christianitatis emendatione, rumor disperserat, nihil fuisse, quæ confluxerat multitudo tandem advertit.

The Archbishoprick of York now grown Independent, by *Thurstan's* being Consecrated by the Pope without making Profession of Obedience to the Archbishop of Canterbury, and at the same time a Legat coming into England and presuming to hold a Council here; *William Corbel*, the Archbishop of Canterbury, partly to prevent Legats from coming hither again, and partly to recover his Superiority over the Archbishop of York, and to oblige him to come to his Councils, according to the ancient usage, takes a journey to Rome, together with the Legat *de Crema*, to get a Legatin Character for himself, and obtains it. So home he comes the Christmas following, An. 1125. (a) and

(a) An. 1127. says *Simeon Dunelm.* partly because he begins the Year at Christmas, and partly because he had placed the Council of Cardinal *de Crema* a Year too late, 1126 for 1125. He owns that the Archbishop went to Rome, together with the Legat, presently after the Council was ended.

In the Year 1127. by vertue of his *Legatin* Authority calls a Council at *Westminster*, and summons the Archbishop of *York* to it, who, tho' he could not find in his Heart to come in Person, yet he durst not but pay so much Obedience to the Summons, as to send a *Canonical Excuse*. The main business of it, was that old one, against *Priests Marriages*. An account of whom it consisted, and what Decrees were passed in it, we have in the *Continuator of Florence*. *Gulielmus Dorobern. Archiep. congregavit generale Concilium omnium Episcoporum & Abbatum, & QUARUMQUE (quarumcunq;) RELIGIOSARUM PERSONARUM totius Angliæ, apud Monasterium S. Petri in occidentali parte Londoniæ situm. Cui Concilio præfuit ipse, sicut Archiepiscopus Cantuariæ & Legatus Apostolicæ Sedis, confidentibus secum Gulielmo Wintoniensi Episcopo, &c. — Turstanus Ebor. Archiep. directis nuntijs & literis rationabili causa ostendit se Conventui ipsi interesse non potuisse. Radulphus vero Dunelmensis Episcopus eo tendens, infirmitate correptus est, nec iter ceptum perficere potuit, sicut PRIOR Ecclesiæ, & CLERICI, quos illuc direxerat, sub testimonio veritatis attestati sunt. — Confluxerant quoq; illuc magnæ multitudines CLERICORUM, LAICORUM, tam divitum quam mediocrium, & factus est Conventus grandis & inæstimabilis. Sedit autem 3 Diebus, i. e. 3 Id. Maij & Die sequenti, tertioq; post hunc, qui fuit 17. Cal. Junij. Acta sunt ibi de negotijs secularibus nonnulla, quædam quidem determinata, quædam dilata, quædam vero, propter nimium æstuantis turbæ tumultum, ab audientia judicantium profligata. Quæ autem communi EPISCOPORUM consensu in ipso Concilio decreta sunt & Statuta, sicut illic publice recitata sunt & suscepta, in hoc opere placuit annotare. — Rex igitur cum inter hæc Londoniæ moraretur, auditis Concilij gestis CONSENSUM PRÆBUIT autoritate Regis*

giâ & potestate CONCESSIT & CONFIRMAVIT statuta Concilij, &c.

Stubbs (a), the York Historian, will not own that the Archbishop of York sent a Canonical Excuse for his being absent; but intimates that he bluntly refused to obey the Summons, tho' the Archbishop was now the Popes Legat. And he tells us, that the Archbishop of Canterbury complained to the King of him, *quod quasi dedignatus esset ad suum Concilium venire: Cui Rex ait, & merito. Magnum enim ei dedecus in meâ Curia fecisti* (in not suffering him to carry his Cross there) *mibi vero non minus.*

Huntindon (b) tells us, and out of him (c) Hoveden, that while the Archbishop held his Council at Westminster, in the same Week a Parliament was held by the King in London: *Super his igitur Rex anxius Concilium tenuit ad Rogationes apud Londoniam, & Willielmus Archiep. Cant. similiter in eâdem Villâ apud WESTMINSTER.*

And this is the first Ecclesiastical Council that appears to me to have been held at the same time with a Convention of the Nobility, and yet in a separate place. Hitherto our Ecclesiastical Councils were mixt Assemblies, and the K. and the Nobility were usually present in 'em; but now, it seems, they began to divide from 'em; the Continuator tells us, that there was present a vast number of the Laity, as well of the Rich as of the meaner sort, but it seems from this Testimony of Huntindon, that they did not sit there to Consult and Debate, as was usual in all former Councils. Such another separate Council was held a few

(a) Col. 1720. (b) f. 219. b. (c) f. 274.

Years before, viz. *An.* 1118. by the same K. in *Normandy*, which I mention above. I have already observed, that *Florence* (who died before this time) makes the Archbishops Synod of *An.* 1102. to be held in a different place from the Convention of the K. and the Nobility: But I doubted of the truth of that, because the very Decree of the Synod declares that they sat all together, and therefore it is certain that for some time at least, they did so.

Bromton (a) follows *Huntindon*, but forgets what he said, and makes the King's Council to be held at *Westm.* the Archbishop's at *London*; that being more agreeable to the usage of his own time, when the *Parliament* sat at *Westm.* the *Convocations* at *St. Pauls.* *Super hijs igitur Rex angariatus, ad Rogationes apud WESTMONASTERIUM, & Willielmus Archiep. similiter apud LONDONIAS, Concilia celebrarunt.* And he makes it to be the same Parliament in which all the Nobility were forced to swear Fealty to the Empress *Maud.*

2 Years after, 1129, another National Council was held at *London* Aug. 1. about the same matter of the *Marriage* of the *Clergy.* Which all their former endeavours being not sufficient to prevent, they put it into the King's Power to do to 'em what he thought fit, to compel 'em to leave their Wives. But this prov'd less effectual than any thing they had done before. For the K. only took Money of 'em, and so suffer'd 'em to keep their Wives. (b) *Huntindon*, and after (c) him *Hoveden*, *M. Paris* (d), *Bromton* (d), *Hemmingford*, say this Council was held by the King: And

(a) Col. 1016. (b) f. 220. (c) 274. b. (d) *An.* 1129. (e) Col. 1018. (f) p. 777.

yet they do not seem to make it a Parliament: *Tenuit (Rex) Concilium magnum ad Kal. Augusti apud Londoniam de uxoribus Sacerdotum prohibendis. Intererant siquidem illi Concilio Willielmus Cant. Archiep. & Turstanus Archiep. Ebor. &c. Hi columnæ erant regni & radij sanctitatis hoc tempore. Verum Rex decepit eos simplicitate Willielmi Archiepiscopi. CONCESSERUNT namq; Regi justitiam de uxoribus Sacerdotum, & improvidi habiti sunt, quod postea patuit, cum res summo dedecore terminata est. Accepit enim Rex pecuniam infinitam de Presbyteris, & redemit eos. Tunc, sed frustra, CONCESSIONIS suæ pœnituit Episcopos, cum pateret, in oculis omnium gentium deceptio Prælatorum & depressio subjectorum.* Bromton tells us, that some Historians make this to be the Council in which Fealty was Sworn to the Emperor.

From the *Saxon Chronicle* we learn (if it be to be trusted, as expressing things accurately) that there were Summoned to this Synod, by the *Archbishop*, not only the *Bishops*, and *Abbots*, but also the *ARCHDEACONS*, and all the *PRIORS*, *MONKS*, and *CANONS*, that were in *England*, and in a Word, *all Persons whatsoever that were concerned about Religion.* By which last it seems to point out the *Parochial Clergy*. And all these, as it tells us, were there (not by Proctors but) in Person. Let us hear the whole account (a) *REGIS consilio & veniâ, misit Willielmus Archiep. de Cantwarabyrig per totam Anglorum terram, & jussit Episcopos, Abbates, & ARCHIDIACONOS, CUNCTOS item PEIORES, MONACHOS, & CANONICOS qui essent in omnibus cellis intra Anglorum terram; OMNES deniq; QUORUM CURÆ RELIGIO ERAT*

(a) p. 234.

COMMISSA, interesse Londini ad Michaelis festum, ut ibi colloquerentur de omnibus negotijs ad Deum pertinentibus. Quum eo pervenissent, incæpta erat Synodus Die Lunæ, & continenter duravit usq; ad diem Veneris. Re in medium prolata, cognitum est illos convenisse de Archidiaconorum uxoribus, ut illas dimitterent ante S. Andreae Festum, & qui illud non faceret, privaretur suâ Ecclesiâ, suaq; domo, nec unquam postea ibi eo munere fungeretur. Hoc SANXERUNT Archiepiscopus de Cantuarabyrig Willelmus, & OMNES DIOECESANI EPISCOPI qui erant in Anglorum terrâ. Sed Rex ijs omnibus veniam dedit domum redeundi, adeoq; domum reversi sunt. Nec ullam vim habuerunt omnia illa decreta. Cuncti retinuerunt suas uxores Regis veniâ, sicut antea fecerunt.

Annales de Margan An. 1129. Fit Concilium TOTIUS ANGLIÆ apud London ad Festum S. Michaelis: in quo tamen nihil omnino nisi de uxoribus Presbyterorum decernitur. Sed post 5 Dies nepos Regis, Henricus nomine ex Abbate Glaſtoniæ, Rege iubente, Episcopus efficitur Wintoniæ.

Synods under K. Stephen, in the time of Archbishop Theobald.

A N. 1138. on Sunday Dec. 13. a Council was held at Westm. (not at S. Paul's as M. Paris (a) says) by Alberic Bishop of Ostium, the Pope's Legat, in which were made divers Canons; amongst others, one against the Marriage of the Clergy. The Continuator of Florence: Anni ab Incarn. D.

(a) p. 64.

1138. Pontificatus autem D. P. Innocentij An. 9.
 — celebrata est Synodus Lundoniæ, Ecclesiâ sancti
 Petri Apostolorum Principis ap. Westm. mense Dec. 13.
 Die Mensis. Ubi post multarum discussionem causarum,
 promulgata sunt Capitula ab OMNIBUS confirmata,
 numero 16. Præfuit autem Synodo Albericus Ostiensis
 Episcopus, & prædicti D. P. Innocentij in Angliam
 & Scotiam Legatus cum Episcopis diversarum Provin-
 ciarum numero 17. & Abbatibus circiter 30. & in-
 numerâ CLERI & POPULI multitudine. Simeon
 Dunelm. (a) Ex auctoritate Apostolici præcepti ad fe-
 stum S. Nicolai apud Lundonias in Westm. conve-
 nerunt ad eundem Legatum Albericum EPISCOPI,
 ABBATES, & PRIMORES regni. — Vacabat
 Ecclesiæ Cant. & D. Turstinus Archiep. Ebor. infr-
 matus pro se direxit Willielmum Decanum suum. In-
 terdicensq; Legatus quæ interdicti, & sanciens quæ san-
 ciri Ecclesiasticæ necessitatis exposcebat ratio, summonuit
 eos (there is something wanting) Romæ astare D.
 Papæ mediâ Quadragesimâ. Deposito etim Abbate de
 CRULAND, Godefridum Priorem de S. Albano lo-
 co ejus, & Adam electum ad Bellum juxta Hastin-
 gas benedixit Abbates, &c. Richard the Prior of
 Hagustald (b) gives a large account of that Le-
 gat, and what he did here: That at Carlile he
 held a Council with the King of Scotland, and
 with the Bishops, Abbots, Priors, and Barons of that
 Realm. From thence he returned to London, after
 he had visited the several Bishopricks and Mona-
 steries of England, and held the Council together
 with another Legat just then come over. Per
 Episcopatus ac Monasteria ad Curiam Regis Angliæ re-
 versus, quendam alium Legatum qui nuperrime a D.
 Papa Innocentio venerat ibidem repperit. Igitur

(a) Col. 264. (b) de gestis R. Seph. Col. 324, &c. ad 329.

Turstinum Ebor. Archiep. & omnes EPISCOPOS, atq; ABBATES, ac PRIORES CANONICORUM, per totam Angliam summoneri fecerunt, ut ad festum S. Nicholai in Civ. Lund. ad generale Concilium convenirent. Quibus præfinito tempore ac loco cum STEPHANO REGE congregatis, de Ecclesiasticis causis cum illis ambo Legati tractare cœperunt. Albericus tamen priorem locum obtinuit, &c. It appears from him, that the Words above cited out of the Continuator, are the Words of the Decree it self. But in the Hagustald Copy, the Archbishop of York is said to have sent not only his Dean, but some other CLERKS of his. The See of Canterbury being then vacant, the Legat himself sent about a Summons in his own Name. He sent, says Gervase, (a) *singulis Personis Angliæ citatorias literas*: where by *singulæ Personæ*, I understand the Bishops and Abbots, and Conventual Priors, who Communicated his Summons to their Subjects. In the same Monk, who was himself of Canterbury, we have the Summons which the Legat sent to that Church, in which they are required to elect a new Archbishop, and to send up some of their Body to the Council to represent the rest. *Præcipimus ut tales personas illuc generalitatis vice VOBISCUM adducatis, quæ omnium vestrum voce loquantur, & cunctorum in se præferant assensum.* 'Tis directed Priori, totiq; Conventui, Archidiacono, Clero, Nobilibus, Populo Cantuariæ. And he tells'em, that he had summoned all the Bishops and Abbots, and AND THE OTHER RELIGIOUS PERSONS. *Caritati vestræ his apicibus nostris insinuamus, quod Episcopos, & Abbates omnes, CÆTERASQUE RELIGIOSAS HUIUS REGNI PERSONAS Apostolicâ auctoritate convocavimus ad Colloquium quod Lundoniæ habere disposuimus apud*

(a) Col. 1346.

Westm. *Dominica adventus Domini quâ Cantabitur GAUDETE IN DOMINO, &c.*

A MS. Charter of K. Stephen to the Church of *Westm.* which is extant in the (a) Cottonian Library, and is called his great Charter, is pretended to be made in this Council, Subscribed, nex to the King himself, by *Queen Maud*, Archbishop *Theoyald*, 14 Bishops, 8 Abbots; after whom these Words: *Acta sunt autem hæc in eadem sede Regali & in ipso Monasterio B. Petri Apostoli anno Incarn. Dom. 1138. Pontificatus D. Papæ Innocencij anno 9. regni vero mei anno. 3. habito in prædicto loco universalî totius Angliæ Concilio, præsentem viro religioso D. Alberico Ostiense Episcopo sanctæ Romanæ Ecclesiæ Legato & præsidente eodem Concilio mense Decembri 13 Die Mensis. Affuerunt etiam quidam Comites regni mei & Barones quamplurimi & INNUMERA MULTITUDO CLERI & POPULI, qui hijs omnibus interfuerunt & religioso favore VOLUNTATEM & ASSENSUM AUCTORITATIS, nostræ paginæ & privilegio PRÆBUERUNT.* But this Charter appears to be spurious from its mentioning Archbishop *Theobald* as present in that Council, who was both Consecrated, and Elected too, after the end of the Council. The Day appointed for beginning of the Election at *Cant.* by the Legat in his Summons, was the 1st Sunday in *Advent*, but then the Election was to be compleated at *Westm.* where the Comprovincial Bishops were to give their Consent. We are assured by *Gervase* that the whole Election was performed after the end of the Council. (b) *SOLUTO prædicto Concilio & quibusq; in sua redeuntibus, Jeremias Prior Cant. Ecclesiæ cum aliquibus ex Conventu a*

(a) *Faustina*, A. 3. f. 60. (a) Col. 1348. See also Col. 1665.

Rege vocatus, præsentē Legato simul & Rege, nonnullis Primoribus & Episcopis Angliæ, elegit Theodaldum Beccensem ad regimen sanctæ Cant. Ecclesiæ PROXIMO SABBATO ANTE NATALE. He adds that the Archbishop was by the Legat Consecrated at Cant. 6 Idus Januarij. That he was not Archbishop in the time of the Council, is attested also by the Prior of Hagustald (a) *In hoc autem Concilio tractatum est de Archiepiscopo ad Cant. Ecclesiam eligendo, quæ, ut supradictum est, tunc proprio pastore carebat. Tandem vero post proximam Epiphaniam hæc causa finem habuit cum Beccensis Cœnobij Abbas nomine Theobaldus electus præfatæ Ecclesiæ Archipræsul a supradicto Alberico consecratus est. Simeon Dunelm. (b) Ventilata est causa electionis Cant. Ecclesiæ, cujus Electum scil. Theodaldum Abbatem Beccensem in eandem sedem consecravit Archiepiscopum circa Epiphaniam Domini.* To add more testimonies, would be altogether needless. I shall only observe further, that the K. is made in that Charter not to put to his Seal, but to Subscribe only with the Sign of the Cross. Which as I have often mentioned, is after the Conquest a shrewd Indication of Spuriousness, and especially so late as K. Stephen. *Ego Stephanus D. G. Anglorum Rex hoc Privilegium jussi componere & compositum cum SIGNO DOMINICÆ CRUCIS confirmando impressi.* The Names of the other Subscribers have not the Cross express'd, but there is room left for 'em.

In the Rights of an English Convocation (b) I find the same MS. Charter quoted, to shew what Interest the lower Clergy had in the STATE MEETINGS in K. Stephen's time. The worthy Author

(a) Col. 328. (b) Col. 264. (c) p. 298.

did not consider that this was no *State Meeting*, but a *Legatine Council*. And if he had taken notice of Archbishop *Theobald's* being among the Subscribers, and of what our Historians say of the time of his being made Archbishop, he would have been convinced of how little Authority that Charter is.

I found after I had writ this, that in the 2d Vol. of our Councils (a) Sir *Henry Spelman* has made as it were 3 Councils to be held under the Legat *Albericus*, The 1st that of which I have treated, held at *Westm.* The 2d mentioned by *M. Paris*, held at *London* in *St. Pauls Church*. The 3d at *Westm.* where Archbishop *Theobald* was present according to this Charter of *K. Stephen*. But there is nothing in our History more certain and evident than that all this was one and the very same Council. Sir *Henry* himself could not but see that; but then to make all agree, he makes 'em to be 3 several Sessions of one and the same Council. *Hæc tria Concilia An. 1138. sub Alberico celebrata, idem esse videntur atq; unum, licet Mat. Paris in Ecclesiâ S. Pauli habitum referat, quod ea Sessio ibi tunc habebatur ad festum S. Nicholai: & licet exemplari Westmonasteriensis Codicis appareat (viz. in Chartâ Regis Stephani) Theobaldum interfuisse Cantuariæ Archiepiscopum, &c.*

M. Paris (I will be bold to pass this Censure upon him) is by no means so good an Author in things before his own time, as he is commonly vogue'd to be; but indeed a very unaccurate one. Which may easily be made appear by 100 In-

(a) p. 47.

stances. And it is not easy to shew in any Historian so many Errors, in so few Words, as he has committed where he speaks of this Council. For the History of his own time, which was that of K. *Henry III.* we are much beholden to him. And his History of K. *John*, which was just before his time, is much better than that of the former Reigns. As for these, where I have any good Authority against him, I have learnt by my own Experience, not to regard what he says.

The *Legat* Summons the Bishops, &c. to meet *LONDONIÆ apud WESTM.* and its usual with our Historians to say that such or such a Synod was held at *London*, tho' the particular place was *Westminster*. And so the first Synod held by Archbishop *Anselm*, tho' at *Westminster*, was commonly called the *Council of London*. This *M. Paris* did not consider; but having read that this Council of the Legat *Albericus* was held in *London*, imagined it to be *London* strictly so called, as opposed to *Westminster*; and then takes it for granted, that it was held at *St. Pauls*, because Synods held in the City of *London* were wont to be held in that Church. Just so he mistakes in *Anselm's* Council above mentioned. For that too, (as I have already observ'd) because he had found it called the *Council of London*, he makes to be held at *St. Pauls* Church. (a) *Anselmus Concilium tenuit Londonijs in Ecclesiâ S. Pauli.*

To make out what the Charter says, that Archbishop *Theobald* might Subscribe as Archbishop in this Council, Sir *Henry Spelman* observes, that *M. Paris* says, he was made Archbishop in

(a) p. 49. ad. An. 1102.

the time of the Council. *Ex M. Paris. const at eum inibi electum fuisse in Archiepiscopatum dum Ordines celebrarentur, quod sub fine Concilij fuisse videtur, eumq; protinus consecratum (ut Rossensis Historia perhibet) Stephani Chartam subscripsisse.* I answer

1st, That if *Paris* had expressly asserted that *Theobald* sat in the Council as *Archbishop*, his Authority had been nothing when compared with those whose Testimonies I have produc'd. No matter what *Paris* says, who lived so long after. What say they that lived at the same time, or but a little after, and that wrote more particularly of that Council? What says *Gervase*, the Monk of *Canterbury*, who wrote professedly of the *Archbishops* of *Canterbury*, and out of the Records of that Church? He tells us expressly, that all was done after the Synod was dissolv'd. He tells us the particular Day on which he was Consecrated.

2dly, *Paris* does not say that he was Consecrated during the Council, but only that he was Elected. But withal, another Error of his is hereto be observ'd, That he makes him to be Consecrated by the Bishop of *Winchester*, whereas he was Consecrated by the Legat himself. *Eodem anno Albericus Episcopus in Adventu Domini, Londonijs Concilium celebravit in Ecclesiâ S. Pauli. Ubi ipso iubente Legato, Henricus Wintoniensis Episcopus, Richardum de Beaumeis Diaconum ordinavit. Et ipsâ Die dum Ordines celebrarentur, Theobaldus Abbas Beccensis in Archiepiscopum Cant. ab Episcopo electus est, Priore Ecclesiæ Cant. Hieremiâ præsentie. Qui ab Episcopo consecratus, cum Legato Romam profectus est.* That he was elected in the Council, some others say, which was an easy mistake, since it was done immediately after. But that he was Consecrated not at *Westminster* but at *Cant.* and in the Month of *January*, all agree. To add
more

more to those above mention'd: *Birchington* in his *Lives of the Archbishops of Canterbury*. *Theobaldus consecratus Cantuariæ ab Alberico — ad Altare Christi Cant. An. 1139. 6. Id. Jan. astantibus & cooperantibus omnibus fere Episcopis Angliæ. — The Chronicle of Mailros. — An. 1139. Consecratus est Teodbalus Abbas Beccensis ab Alberico Legato in Archiepiscopum Cant. circa Epiphaniam Domini*. I shall add one more, from whose relation it will appear, how *Paris* in a few Words confounds distinct Actions, Times, and Places. *Albericus Hostiensis Episcopus, & Apostolicæ Sedis Legatus, in Angliam veniens Concilium habuit apud Westmonasterium, says Radulfus de Diceto: (a) then he adds in a distinct Paragraph: Henricus Wint. Episcopus Mandato Legati Ricardum de Belmeis ordinavit Diaconum in Ecclesiâ S. PAULI. Ipsâ Die dum Ordines celebrarentur, Theobaldus Beccensis Abbas ab Episcopis electus est in Archiepiscopum Cant. Electionem factam in publico recitavit Alexander Lincolnensis Episcopus; præsentè Jeremiâ Priore Cant. consecratus est Theobaldus ab ipso Legato*. The Ordination of *Ric. de Belmeis* which was on the same Day with the Election of the Archbishop, *De Diceto* does not make to be in the time of the Council, nor in the same place. But *Paris* not attending duly to his Author's meaning, makes it to be both in the same time and place. And the Ordinations being in *S. Pauls Church*, was perhaps the Reason why *Paris* makes the Council too to be there. I shall not conceal from my Reader, what *(b) Huntindon*, a Writer of the same Age, says of this Matter: *In Adventu Domini Concilium apud Londoniam Albericus — tenuit. Et ibidem annitente Rege Stephano Theobaldus Abbas*

(a) Abbrev. Chron. Col. 507. (b) f. 223.

Beccensis Cantuariensis Archiepiscopus effectus est. But by *effectus est*, he means only *electus est*. And whether by *ibidem*, he means, in the Council, or at London, does not sufficiently appear. But

3dly, Let us suppose that the Archbishop was *Elected* and *Consecrated* on one and the same Day, and that too during the Council, yet that will not clear the difficulty, unless it be also said, that it was done on the very first Day of the Council. For in the Charter it is pretended that all things relating to it were finished, and the Subscriptions made *Decem. 13.* On which Day the Council began to sit.

And thus much in answer to the learned Sir Henry Spelman; concerning the Council held by Albericus, and K. Stephen's Charter to the Church of Westm.

The Council of NORTHAMPTON, which was held at Easter the same Year, and is put down in His (a) Collection, as one of our Synods, was no other than an ordinary Parliament; and as such I have mention'd it in the former Part.

An. 1139. Aug. 29. a Council was held at WINCHESTER by Henry Bishop of that Place, the King's Brother, as the Pope's Legat; to which the King himself was Summoned to answer for his having seiz'd and Imprisoned the Bishops of Salisbury and Lincoln two Months before, in the Parliament of OXFORD, to compel 'em to give up their Castles to him. *Vigorem Canonum experiendum ratus*, says (b) Malmesbury, *Concilio, quod iv. Cal. Sept. celebraturus erat Wintoniæ, Fratrem in-*

(a) Tom. 2. p. 39. (b) Malmesf. f. 103.

cunctanter adesse præcepit. Dicto Die omnes fere Episcopi Angliæ cum Theobaldo Archiepiscopo Cant. qui Willelmo successerat, venerunt Wintoniam. — Rex Causæ suæ non diffusus Comites in Concilium misit, querens cur vocatus esset. The Earls hearing what was laid to his Charge, and the Legat requiring that he should either give a reason for what he had done, vel Canonicum iudicium subiret, returned to the K. and soon after came back with the King's Answer, in which many things were charged upon the Bishop of Sarum, as the King's Enemy, and engaged in Arms against him. In short the K. appeal'd from the Council to the Pope. Quapropter ita discessum est, ut nec ipse censuram Canonum pati vellet : nec Episcopi eam consultum exerere ducerent duplici ex causâ, seu quia Principem excommunicare sine Apostolici conscientiâ temerarium esset, seu quoniam audirent, quidam etiam viderent gladios circa se nudari. — Cal. Sept. solutum est Concilium. Malmesbury mentions none as there present but Bishops. According to M. Paris (a), he Celebrated the Council together with Archbishop Theobald, & alijs Episcopis, & Prælati Angliæ. So also Mat. of Westm. By Simeon Dunelm. (b) we are told, that he call'd together all the Ecclesiastical Persons, and made certain Canons for the liberty of the Church, Factum est eo tempore ut Laici insurgerent in magnam contumaciam & contumeliam adversus sanctam Ecclesiam & Ecclesiasticas personas. Iccirco Henricus Legatus convocatis ad Wintoniam Archiepiscopo Theobaldo & Episcopis Angliæ cum CÆTERIS CHRISTIANÆ SOLLICITUDINIS MINISTRIS, circa mensem Sept. decreta omnino necessaria & in cunctis seculis valde utilia statuit. His enim usq; in hodiernum diem Ecclesia-

(a) ad. ar, (b) Col. 266,

stica severitas potenter ulciscitur in eos, qui vel in læsionem Clericorum manus nefarie injiciunt, vel res Ecclesiæ diripiunt, sive Excommunicationi subjacent, vel in ea obeunt, quoniam quidem his promulgatis decretis, multorum insolentia & præsumptio rebellis spiritus mansuescere didicit & sanctuario Domini deferre. But he confounds this Council with another of LONDON, which was held a little after.

An. 1140. the Kingdom being full of Wars, Rapin and Sacriledge, frequent Excommunications were issued out by the Legat in Conjunction with the Bishops against such as broke open Churches, and the like, or laid violent Hands on Men in Holy Orders. Malmesbury (a): *Et quidem ex voluntate Comitum (Glocestriæ) Legatus cum Episcopis omnes effractores Cæmiteriorum, & violatores Ecclesiarum, & qui sacri vel religiosi Ordinis hominibus, vel eorum famulis manus injecissent, multoties excommunicavit, sed nihil propemodum hac profecit industria.*

The same Year, viz. 1140. the Empress Maud offer'd to refer her Cause to the Judgment of an Ecclesiastical Synod; but that the K. durst not do. *Nec fuit*, says the same Historian (b) *æquum dissidium, dum Imperatrix ad bonum præior, Ecclesiasticum non se vereri judicium mandasset, & Rex illud quàm maxime caveret, consilijs illorum male credulus, qui nihil minus, quàm pacem vellent, dum ei dominari ad utilitates suas valerent.*

An. 1142. (c) K. Stephen being taken Prisoner, by agreement between the Empress Maud and the

(a) f. 105. (b) f. 105. b. (c) beginning the year at Christmas as the Historians do.

Legat, Bishop of Winchester, a Convention was held on the 3d Sunday in Lent on the open Plain by WINCHESTER; where the Empress took an Oath to commit the management of all the greater Affairs to him, and especially the disposal of Bishopricks and Abbies, if he and the Church would receive her as Queen and stand by her. This meeting is mention'd by Malmesbury, and is thus described by the Continuator of Florence, ad An. 1141. Cum appropinquaret ad Civitatem Wintoniæ, occurrunt illi cum gloria & pompâ magnificâ Præsules pene totius Angliæ, Barones multi, Principes plurimi, Milites innumeri, Abbates cum suis diversi, ex eâdem urbe duo Conventus Monachorum, tertius Sanctimonialium, cum processionalibus melodijs & laudibus, Clerus urbis cum Civibus & populis multis

Upon this the Legat Summons a Council to meet at WINCHESTER, March 20. which accordingly met; and our Historian, William of Malmesbury, was there present in Person, and from him we learn, that the ARCHDEACONS acted in it, and none either below them or above them besides Bishops and Abbots; (a) and that the Legat in the beginning of the Council consulted with the Bishops, Abbots, and Archdeacons, not altogether, but apart; first with the Bishops, then with the Abbots, last of all with the Archdeacons. *Feriâ 2 post octavas Paschæ (quod tunc fuit 3. Cal. Apr.) Concilium Archiepiscopi Cant. Theobaldi, & omnium Episcoporum Angliæ, multorumq; Abbatum, Legato præsidente Wintoniæ ingenti apparatu inceptum. Si qui defuerunt, Legatis & literis, causas cur non venissent, dederunt. Cujus Concilij actioni, quia interfui, integram veritatem rerum posteris non negabo. Egregie quippe*

(a) f. 106. b.

memini. Ipsa Die post recitata scripta excusatoria quibus absentiam suam quidam tutati sunt, SEVOCAVIT in partem Legatus EPISCOPOS, habuitq; cum eis arcanum consilij: mox ABBATES, postremo ARCHIDIACONI convocati. Ex Concilio nihil processit in publicum: volutabatur tamen per omnium mentes, & ora, quid foret agendum.

The 2d Day, the Legat made a Speech to the Council, in which he tells 'em, that by the Pope's Authority he had gathered together the CLERUS ANGLIÆ to that Council. —and that *ventilata est hesternò die causa secreto coram MAJORI PARTE CLERI Angliæ, ad CUFUS JUS POTISSIMUM SPECTAT, principem eligere, simulq; ordinare.* And there he declares, that the K. his Brother, having acted quite contrary to his Engagements at his Coronation, and infringed the Liberties of the Clergy, they chose the *Empress* to be Queen of *England*. He adds, that the *Londoners* had been invited to the Council, and they being not yet come, he would stay for 'em till the next Day.

The next Day the *Londoners* came, and being introduc'd into the Council, they said, *missos se a communione quam vocant Londoniarum, non certamina sed preces offerre, ut Dominus suus Rex de captione liberaretur. Hoc omnes Barones, qui in eorum communionem jamdudum recepti fuerant, summopere flagitare a Domino Legato, & ab Archiepiscopo, simulq; omni Clero, qui præsens erat.* A Chaplain to the Queen being sent with a Letter to the Council, rose up and delivered it to the Legat, who having read it to himself, with a loud Voice declar'd, that it ought not to be recited *in tanto, præsertimq; SUBLIMIUM & religiosarum personarum, conventu.* But notwithstanding that the Chaplain boldly read it; and in it the Queen earnestly intreated *omnem*

Clerum Congregatum, and particularly the Legat, that her Lord the K. might be delivered out of Custody, and be restored to his Kingdom.

On the 4th Day the Council was dissolv'd, and nothing more was done, only the sentence of Excommunication was denounced against many of the King's Party.

In this Council the Legat mentions that of the foregoing Year, as held against the King's imprisoning the Bps, in the (a) same Chapter-House of Winchester.

The Legat being soon after disoblged by the Empress, declared for the K. his Brother, without the consent of the Bishops absolves those whom the Council had Excommunicated, and Summons another Synod to meet at *WESTM. die Octavarum S. Andreæ. Malmesbury*, who was of the Empress's Party for the sake of her Brother the Earl of Gloucester, his great Patron, was not present in that as he had been in the former: but (c) he tells us, that the Legat there read a Letter from the Pope, blaming him for what he had done against his Brother the K. and that the K. himself (who had been lately deliver'd out of Custody) came into the Council, and *apud sanctum Conventum* complained how ill he had been used. He mentions no Church business as transacted in that Council.

The next *Mid-Lent* after, a Council was held at *LONDON* under the same Legat, in which a Provision was made against *Laymens* seizing or imprisoning *Clergymen*. Huntindon (c), *Octavo anno Rex Stephanus interfuit Concilio Londoniæ in mediâ Quadragesimâ: quod quia nullus honor vel*

(a) f. 105. b. l. 52. f. 106. l. 27. (b) f. 108. (c) f. 225.

Clericis vel Ecclesiæ Dei a raptoribus deferebatur, & æque capiebantur, & redimebantur Clerici, ut Laici, tenuit Concilium Wintoniensis Episcopus urbis Romanæ Legatus apud Londoniam Clericis pro tempore necessarium; in quo sancitum est, ne aliquis qui Clerico violentas manus ingesserit, ab alio possit absolvi, quàm ab ipso Papâ, & in præsentia ipsius, unde Clericis aliquantulum serenitas vix eluxit. Hoveden (a) recites the very same Words, ad An. 1143. — Paris ad An. 1142. WILLIELMUS (so he says, for HENRICUS) Wintoniensis Episcopus, & sedis Apostolicæ Legatus, in mediâ Quadragesimâ apud Londoniam Concilium Rege præsentè & Episcopis, celebravit, &c. Its mention'd also by Gervase (b) ad An. 1142. This Year, says he, multis & maxime pauperibus ingratus effectus est, quia fere totus in ædificatione Castellorum, combustione villarum, violatione Ecclesiarum, & maxime completus in pauperum deprædatione, unde coactò apud Lundonias Concilio, præsidente Henrico Wint. Episcopo & Apostolicæ sedis Legato, cum venerabili Theodbaldo Cant. Archiepiscopo confidentibus EPISCOPIS Angliæ, & ABBATIBUS plurimis, in talium actores, præceptores, executores, sed & in Castellorum fundatores, Monachorum vel Clericorum spoliatores, cæterosq; Malefactores, sententia Excommunicationis publice ac solempniter prolata est. Sed hæc parvipendentes impij, acrius solito rapinis intendeabant. The *Annals* of Waverley mention the same, ad An. 1143. So Bromton (c) also who gives it the name of a general Council. I am apt to believe that the Excommunicating part is a mistake: and that that belongs only to the Synod mention'd above out of Malmesbury, held An. 1140. because Huntinden mentions nothing of it here: And they that mention it here take no notice at all of that

(a) f. 279. b. (b) Col. 1357. (c) Col. 1037.

Synod; and so they seem to have confounded 2 Synods together.

As *Paris* mistakes in calling the Bishop of *Winchester* the *Legat*, under whom it was held, *WILLIAM*; so a *MS. Chronicle* (a) improves the Error, and makes it to be held under *WILLIAM* Bishop of *LINCOLN* as the *Popes Legat*. Anno gratiæ 1142. *WILLIELMUS LINCOLNIENSIS Episcopus & Sedis Apostol. Legatus in mediâ Quadragesimâ Concilium ccelebravit Rege & Episcopis multis præsentibus. Nullus honor, nulla reverentia ferebatur Ecclesiæ Dei vel Ordini, sed æque Clerici & Laici patiebantur, incarcerabantur, trucidabantur. Et statutum est ibi, ne quis qui Ecclesiam (vel) Cæmeterium violaverit, vel in sacrum virum manus injecerat violentas, a nullo absolvatur nisi a Papâ.*

Others, having found in some such Historians, that it was held by the Bishop of *LINCOLN*, and finding that *Alexander* was Bishop of *Lincoln* at that time, tell us very confidently that it was held under *ALEXANDER* Bishop of *LINCOLN* as the *Pope's Legat*. So *Godwin de Præsulibus Angliæ*. And out of him *Sir Henry Spelman* (b), has given us an account of a particular Synod held under *Alexander* Bishop of *Lincoln*. But *Sir Henry* takes notice, that Bishop *Godwin* has placed it too low, and instead of *An. 1143.* or thereabout, he would have it placed *ad An. 1125.* because as he thought, there was no *Alexander* Bishop of *Lincoln* about the Year 1143. But that is *Sir Henry's* Mistake. For *Huntindon* (c) mentions *Alexander* Bishop of *Lincoln* in the 10th of *K. Stephen*, and as one that had been so for some time. And *Thorn* mentions him *ad An. 1143.* as will by and by appear.

(a) *Lambeth* 49. 16c; (b) *Tom.* 2. p. 48. (c) *f.* 225. b.

The truth of the whole Matter is, there was no Bishop of *Lincoln* at all endued with the Legatin Character either then or ever before. And it all proceeds from the Blunder of some Writer, who put down *Lincoln* instead of *Winchester*. The Historians of that Age give a plain account who were then the Popes Legats. And there's nothing more certain than that it is all an *Error*.

An. 1143. on *S. Martins* Day, another Council was held at *LONDON* by the Bishop of *Winchester* as Legat, mentioned by the *Waverley Annals*. *In nocte S. Martini sedit Concilium apud Londoniam, ubi Legatus summonnit Episcopos Eliensem & Cestriensem Romanam ire.*

Another was held the same Year at *WINCHESTER* to determine a Difference between the Archbishop and the Monks of *S. Austin* in *Cant.* about a small Pension of 50 s. 7 d. per *An.* which the Archbishop pretended to from that Monastery. An Appeal being made to the Pope about it, he refer'd it to his Legat the Bishop of *Winchester* and an *English* Synod. It is mention'd by (a) *Thorn*; and from him we learn, that besides Bishops and Abbots, there were many Religious Persons, or interiour Monks there. *Anno Dom. Incarn. 1143. Concilio adunato apud WINTONIAM præfidente Henrico ejusdem Episcopo & Apost. Sedis tunc Legato, confidentibus Archiepiscopo Cant. Theobaldo cum fratribus & Coepiscopis Goselyno Salesburiae, ALEXANDRO LINCOLNIÆ, &c. una cum Abbatibus & cæteris pluribus Religiosis, controversia magna, &c.*

(a) Chron. Col. 1803.

An. 1144. a Council was held at LONDON, mention'd by *John (a)*, Prior of *Hagustald* in his Continuation of *Simeon Dunelm.* where the DEAN of York is mention'd as present in it.

The same Year, in Sept. a Council was held at WINCHESTER by the Legat, Bishop of that See, mentioned by the same Author, who tells us, that *William* the Dean of York above mentioned, being chosen Archbishop of York, was present in it. (b) *Willielmus a transmarinâ regressus protectione mense Sept. apud Wintoniam secundum Apostolici decretum Legati constitit iudicio, confidentibus CLERI Angliæ NOBILIBUS.*

Henry Bishop of *Winchester*, having used his Legatin Authority at a very high rate, and hurried about the Archbishop and Bishops to his Councils wheresoever he pleased, *P. Innocent II.* who had bestowed that Character upon him, being now dead, the Archbishop endeavours to get him displaced by *P. Celestin II.* and to obtain the Legatin Power for himself. The Bishop (c) goes immediately to *Rome*, and the Bishop follows him, and obtains what he went for; gets the Bishop discharged, and comes home with a Legatin Character. This was in the 8th Year of *K. Stephen*, as *Huntindon* assures us, which was An. 1143. which makes me suspect, that the 2 last Councils were held not in 1144. but 1143. and so were the same with those 2 of *London* and *Winchester*, which I mentioned before. According to *Platina* *P. Innocent II.* died An. 1144. and *Celestin* survived him

(a) Col. 272. (b) Col. 273. (c) *Huntindon* f. 225.

not full 5 Months. Others place P. Innocent's Death, and Celestin's Pontificat to the Year 1143.

But be that as it will ; the Archbishop being made Legat by Celestin, and continued so by his Successors, a mighty Difference happen'd between him and the late Legat the Bishop of Winchester ; about which, An. 1151. a Synod was called at LONDON by the Archbishop. *Huntindon (a)*, who flourished at that same time, and died soon after : An. 16. (R. Stephani) *Tedbaldu Cant. Archiepiscopus, & Apost. Sedis Legatus tenuit Concilium generale apud Londoniam in media Quadragesima, ubi Rex Stephanus & filius suus Eustachius, & Angliæ Proceres interfuerunt ; totumq; illud Concilium NOVIS Appellationibus infrenduit. In Angliâ namq; Appellationes in usu non erant, donec eas Henricus Wint. dum Legatus esset, malo suo crudeliter intrusit. In eodem namq; Concilio ad Romani Pontificis audientiam ter appellatus est.* Gervase speaking of the same Difference between the Archbishop and the Bishop, says, that then began Appeals to Rome, which were never heard of here before : (b) *Appellationes antea inauditæ.* And in the same Work, viz. (c) *Act. Pontif. Cant.* he mentions the Council in the same Words almost with *Huntindon* : *Theodaldus Cant. Archiep. & Apost. Sedis Legatus, celebravit Concilium apud Lundoniam in Media Quadragesima, ubi Rex Stephanus affuit, & Eustachius filius ejus, totumq; Concilium novis & inusitatis infrenduit Appellationibus. Inusitatæ enim erant in Angliâ Appellationes (sicut prælibatum est) usq; quo Henricus extitit Wintoniensis Episcopus.* To the same purpose again in his Chronicle, and in the same Words, except-

(a) f. 226. b. (b) Vide supra p. 215. (c) Col. 1667.

ing only the last. For there it is, *usq; quo Henricus Wint. Episcopus extitit Legatus*. It is there said expressly to be held An. 1151. This Council in Sir Henry Spelman's Collection (a) I find mentioned out of *Huntindon*, but misplaced to the Year 1140. or 1141. tho' at the same time it be said to have been held in the 16th of K. *Stephen*. As if the 16th of K. *Stephen* were 1140 or 1141.

Synods under Henry II. in the time of Theobald, Thomas Becket, and Richard Archbishops.

ABOUT the Year 1155. which was the 1st. of *Hen. II.* a great Council was held at LONDON by Archbishop *Theobald*, in which the Affairs not only of the Church, but also of the State, were treated of. And in it were present all the *Earls* and *Barons* of the Kingdom, together with the inferiour Prelats of the Church, such as *Archdeacons*, &c. 'Tis mentioned by *M. Paris* in the Lives of the Abbots of *S. Albans*: (b) *Congregantur apud Londoniam Archiepiscopi, Episcopi, Abbates, MULTARUMQUE ECCLESiarUM PRÆLATI, cum Comitibus & Baronibus totius regni, ut negotia regni & Ecclesiæ pertractarent; cum Theobaldo Cant. Archiepiscopo, Apost. Sedis Legato, eidem Concilio PRÆSIDENTE.*

In the beginning of this Reign, or not long after, Archbishop *Theobald* in a Synod of Bishops

(a) p. 44. (b) p. 1020.

at Northampton, where the K. was present, forced Silvester Abbot of S. Austins in Cant. who pretended to be exempted from his Jurisdiction, to make Profession of Obedience to him. *Gervase (a). Egerat hic Silvester favore R. Stephani, & fratris sui (ejus) Henrici Wintoniensis Episcopi, ut præciperet Eugenius P. prædictum Abbatem in Ecclesiâ suâ sine Professione benedici, eo quod fecisset eam Romæ tributariam. Theobaldus temporis intervallo, regnante glorioso R. Henrico, de mandato Adriani P. apud Northamptoniam in præsentia Regis & Episcoporum Angliæ, compulit eum ad subjectionem ut ibidem debitam faceret professionem.*

An. 1162. if we will believe *Baronius* and *Binius*, *Tho. Becket* was chosen Archbishop in a general Council of all England, where the King was present. *Coactum est Londini Concilium, electus est in Archiepiscopum Thomas*, says *Edward* the Author of his Life, which is extant in *Surius (b)*. As *Quadrilogus* says, he was chosen *Episcoporum PROVINCIALIUM & conventus Cant. Ecclesiæ Consensu*: According to *M. Paris (c)*, *Congregato Clero & Populo totius Provinciæ Cant. apud Westm.* According to *Radulfus de Diceto, (d) Clero totius Provinciæ Cantuariorum GENERALITER Londoniæ convocato, præsentè Henrico filio Regis & regni Justiciarijs*. A MS. History in *Lambeth (e) Library*, has all the same Words, besides *generaliter*, for that it has not. In his Life which is extant in a MS. of the same *(f) Library*, different from all that are published, and of good Note, he is said to be chosen by *omnis Clerus Angliæ*, and to be Consecrated at Cant. *Congregatis*

(a) Col. 1665. (b) Decemb. p. 1154. (c) p. 82. (d) Col. 535. 712. (e) 8°. 58. (f) Fol. Vol. 138.

Suffraganeis Episcopis omnibus. Gervase, who was made (a) a Monk by him in the first Year of his Consecration, gives this account of his Election: *Mense Maio venerunt Cantuariam nuncij ex parte & præcepto D. Regis — portantes Conventui D. Regis apices & mandatum, ut Prior cum aliquibus Monachis una cum Episcopis & CLERO Angliæ apud Londoniam convenirent sibi Archiepiscopum totiq; patriæ Primatem electuri.* Hoc igitur audito nuncio, venerandus ille Wibertus Prior assumptis secum senioribus Cant. Ecclesiæ Monachis Londoniam venit, ibiq; Præsules & PROCERES Angliæ congregatos invenit. Multis itaq; & varijs de electione faciendâ consertis sermonibus, tandem Wilbertus Prior & qui cum eo erant, invocatâ Spiritus S. gratiâ Thomam Regis Cancellarium in nomine S. Trinitatis elegerunt. — Factâ electione, — conveniunt Præsules & Principes regni ut tantæ assisterent Consecrationi. The truth seems to be this, he was chosen in the time of a Parliament, partly by the Convent of Cant. and partly by the Provincial Bishops, as other Archbishops were wont to be; and he is therefore said to be chose by all the Clergy of England, because the Clerus of both Provinces were there gather'd together in Parliament.

An. 1166. Archbishop Becket, having in his Exile Excommunicated all the observers of the Constitutions of Clarendon, the Bishops of the Province of Cant. met together, and sent him a Letter of Appeal which runs also in the Name of the Personæ of the Province (b). *Venerabili, &c. Suffraganei ejusdem Ecclesiæ Episcopi, & personæ per eorundem Dioeceses constitutæ, &c.*

(a) Col. 1418. (b) ap. Hoveden f. 291. b. & Paris p. 88.

Gervase (a) mentions the same Convention, and from him we learn, that by *PERSONÆ*, the *ABBOTS* are chiefly, if not only, to be understood; the Archbishop, says he, having publicly threatened to Excommunicate the K. *Rex citissime misit in Angliam, mandans Ricardo de Luci qui præfecturam agebat in Angliâ, ut Episcopos & PERSONAS Angliæ, sed & Monachos Cantuariæ contra Archiepiscopum compelleret appellare. Hoc ipsum a D. Rege in Normanniâ factum est. Cum igitur Episcopi & AB-BATES Angliæ apud Londoniam convenirent & appellarent, Cantuarienses Monachi prudenti consilio erepti sunt, petitis & acceptis inducijs ad Regis præsentiam veniendi.* But since in the Canon Law *Personæ* is used for *Dignitaries* in general, it is not improbable that there were other *Dignitaries* there present besides *Abbots*.

The same Year there was a Synod of the Bishops at OXFORD, where the K. was present. In which certain *Hereticks* were condemn'd to be burnt in the Face and Banished. *Sub eisdem diebus, says Paris, quidam pravi Dogmatis disseminatores apud Oxoniam tracti sunt in judicium, præsentè Rege & Episcopis regni; quos a fide Catholicâ devios. & in examine superatos facies cauteriata notabiles cunctis exposuit, qui expulsi sunt a regno.* I find the same Words in *Radulfus de Diceto* (b), out of whom *Paris* transcribed 'em.

An. 1268. all the Bishops, Abbots, and Ecclesiastical Persons, were called together at London by the King's Command, to abjure P. Alexander who sided with the Archbishop against him. *Gervase* (c) *Per totam Angliam ex præcepto Regis a Populo*

(a) Col. 1400. (b) Col. 539. (c) Col. 1404. 1409.

juratum est, quod ad præceptum Regis faciendum omnes forent parati; unde & congregatio Episcoporum, & Abbatum, & aliarum PERSONARUM Ecclesiasticarum apud Londonias facta est. Sed & Subprior & Monachi Cant. Ecclesiæ ex imperio Regis jussi sunt ibidem adesse. Cum autem super hoc juramento faciENDO convenirentur Episcopi, & ipsi tam detestabile juramentum contra Deum & Alexandrum P. præstare nonlissent, dilatum & infatuatum est tam iniquum & enorme negotium, & quisq; ad sua repedavit.

The Bishop of London in his Epistle (a) which he wrote this Year to the Pope about the Archbishops Business, tells him, that the K. had offered to submit himself to the judgment of the whole Church (of England) if he had injured the Church or any Ecclesiastical Person: *Si qua vero Ecclesiastica persona vel Ecclesia ab ipso vel a suis se gravatam ostenderit, satisfactioni plenæ totius Ecclesiæ judicio paratus erit.*

The Archbishop being murder'd at the Altar in the Cathedral Church at Canterbury, Dec. 29. 1170. the Church was suspended from all Divine Service, the Ornaments taken down, and the Pavement taken up; thus it continued for near a whole Year, and then, as *De Diceto* (b) and *Paris* tells us, on S. Thomas Day, by the Pope's Command the Suffragans of that Church came together there, and restored it to its former Condition. But *Gervase* knew best, being at that same time a Monk there; and he says (c), that there came but only 2 Bishops to Cant. upon that occasion, viz. the Bishop of Exeter and the Bishop of Chester.

(a) ap. *Paris* p. 91. (b) Col. 558. (c) p. 105. (d) Col. 1421. *Paris* makes this to be An. 1173.

An. 1171. in a Council at *Armacb* in Ireland; *Convocato totius Hiberniæ Clero*, it was decreed, *cum universitatis consensu*, that the *English* which were Slaves in that Country, should be set at Liberty. *Giraldus expugn. Hibern. c. 18.*

The next Year after, *Henry II.* having subdu'd that Country, *totius Cleri Hiberniæ Concilium apud Cassiliam CONVOCAVIT* (says the same (a) Author) *ubi requisitis & auditis publice terræ illius & gentis, tam enormitatibus quam spurcitijs; & in scriptum, & sub sigillio Legati Lismoriensis (qui cæteris ibidem dignitate tunc præerat) ex industriâ redactis; Constitutiones sacras quæ adhuc extant, de Matrimonijs contrahendis, de Decimis dandis, de Ecclesijs debitâ devotione venerandis, & frequentandis, quamplures EMISSIT.* In this Council were present not only the *Bishops, Abbots, and Priors*, but also the *ARCH-DEACONS*, and *DEANS*, and other inferior *Prelats* of the Church, together with the King's *Commissioners*; and the *Canons* were confirm'd by the King's Authority; for so the *Canons* of that Council begin. *Anno, &c.* — *Christianus Lismoriensis Episcopus, & Apostolicæ sedis Legatus, Donatus Cassiliensis, Laurentius Dublin. & Catholicus Tuomenensis Archiepiscopi, cum Suffraganeis suis & Coepiscopis, Abbatibus quoq;, ARCHIDIACONIS, Prioribus, & DECANIS, & MULTIS alijs Hiberniensis Ecclesiæ PRÆELATIS, ex ipsius Triumphatoris mandato, in Civitate Cassiliensi convenerunt, & de utilitate Ecclesiæ — ibidem Concilium celebrarunt. Huic Concilio interfuerunt isti à Rege missi, venerabilis vir Radulphus Abbas de Buldewas, Radulphus Archidiaconus de Landaff, Nicholaus Capellanus, & alijs*

(a) c. 34.

Clerici, & Nuncij D. Regis. Concilij autem statuta subscripta sunt, & Regiæ sublimitatis auctoritate firmata, &c. Hoveden mentioning this Council, says only, that the K. sent his Clerks, Nicholas the Chaplain, and the Archdeacon of Landaff, *una cum Archiepiscopis & Episcopis Hiberniæ*, to Cassel to celebrate a Council there. Bromton (a) tells us that the King's Clerks together with the Archbishops and Bishops of Ireland held a Council there with the Popes consent, and by his Authority Decreed and Commanded, &c. I have mention'd in the former Part, out of *M. Paris*, that this same Year the K. held a Council at Lissemor, and there obliged the Irish to receive the Laws of England. I am apt to believe, that that was no other than this Council of Cassel, and that therefore Paris by mistake calls it the Council of Lissemor, because the Bishop of Lissemor, as the Popes Legat, presided in it. Giraldus says, that those Canons were there made, because the K. labour'd, *Ecclesiæ illius statum ad Anglicanæ Ecclesiæ formam redigere modis omnibus*.

Another Council was held at Dublin, An. 1176. by Vivianus the Popes Legat *à Latere*, in which K. Henry's Title to that Country was confirm'd: mentioned by Giraldus in the 2d Book of the same Work. *Vivianus Legationis Vice per Hiberniam fungens, convocata Dubliniæ Episcoporum Synodo; jus Anglorum Regis in Hiberniam & summi Pontificis confirmationem viva voce publice protestatur, tam Clero quam Populo sub Anathematis interminatione districtè præcipiens, &c.* Mentioned also by Bromton (b).

(a) Col. 1071. (b) Col. 4.

An. 1172. at a Council held by 2 Legats from the Pope, at *Abrinca* (*AURANCHES*) in Normandy, K. Henry cleared himself by Oath from being any way concern'd in the Murder of Archbishop *Becket*, *coram prædictis Cardinalibus, & omni Clero & Populo*, says *Hoveden* (a) who adds (b), that the Cardinals celebrated that Council *Cum Archiepiscopo, & Episcopis, & CLERO, Normanniæ*. *Bromton* tells us that the K. there cleared himself *coram Cardinalibus, & Archiepiscopo Rothomagensi, & Episcopis ac CLERO, & regni sui Populo*. After the King had done this, says the same Author, and had sworn to the Observation of divers things imposed on him by the Pope, *In crastino Cardinales, cum Archiepiscopis, Episcopis, & CLERO Normanniæ magnum Concilium celebrarunt, &c.*

An. 1173. Richard Prior of Dover was chosen Archbishop of Cant. in the Room of *Tho. Becket*, *de communi consilio Episcoporum*, says (c) *Rad. de Dincto*. (d) *Gervase* says, it was done *coactò Concilio apud Londoniam*. In initio mensis Junij. i. e. at *Westm.* 3 Non. Junij, as he afterwards tells us: In *S. Catherins Chappel at Westm.* says (e) *Paris*. In the same Council Archbishop *Becket* was Canoniz'd as a Saint and a Martyr, by a Mandate from the Pope. *In hoc quoq; Concilio* (says the Historian last mention'd) *recitatæ fuerunt literæ D. Papæ, in audientiâ EPISCOPORUM omnium ac BARONUM, &c.*

(a) f. 302. b. (b) f. 303. b. (c) Col. 568. (d) Col. 142. 3. (e) p. 106.

An. 1175. a Council was held at *Westm.* under Archbishop *Richard*, in which were confirm'd certain Decrees taken out of the ancient Councils and Decretals. *Benedict* (a) Abbot of *Peterborough* in his MS. History, and *Hoveden* (b) give this account of it: The 2 Kings, (say they) the Father and Son, returning out of *Normandy* into *England*, *venientes Lundonias invenerunt ibi Ric. Cant. Arch. & Suffraganeos suos, volentes ibidem Concilium celebrare. Celebravit itaq; prædictus Cant. Arch. Concilium apud Lundonias in Westmonasterio, coram prædictis Regibus, & assensu & voluntate ipsorum, Die Dom. prox. ante Ascens. D. scil. 15. Kal. Junij. Huic autem Concilio interfuerunt Suffraganei prædicti Archiepiscopi, scilicet, &c. — Abbas S. Albani, Ab. S. Edmundi, Ab. Rameseia, Ab. de Boxeleia. Et coram PRÆNOMINATIS Episcopis & Abbatibus, Ricardus Cant. Arch. in eminentiori loco sedens, hæc verba in medium proferens, ait. " Ideo in Ecclesiâ Dei, secundum antiquam Patrum consuetudinem Concilia congregantur, ut hi qui constituti sunt, in eminentiori curâ pastoralis vitam subditorum de communi consilio regularibus institutis informet, & enormitates quæ pullulant incessanter consultiori censurâ compescant: nos itaq; potius inhærentes Orthodoxorum Patrum regulis, quam aliquid de novo Statuentes, quædam certa Capitula dignum duximus in medium promulganda, quæ universis Provincialibus nostris firmiter & inviolabiliter observanda injungimus. Omnes enim sacrorum censem Canonum transgressores, qui statutis hujus sacro sanctæ Synodi præsumpserint contraire, &c.*

The same Council is mention'd by (c) *Bromton*, and he also intimates that there were none

(a) ap. Vol. 2. Concil. p. 103. (b) F. 310, (c) Col. 1101.
of

of the Clergy there, besides 12 Bishops, and 3 Abbots. But *Gervase* speaks more comprehensively of the *Clerus Angliæ* as there present. His Words are these. *MCLXXV. Rex Angliæ Henricus undiq; pace potitus una cum filio suo Henrico in Angliam reversus est mense Majo. Ricardus vero Cant. Arch. totius Angliæ Primas, & Apostolicæ sedis Legatus convocato Clero Angliæ celebravit Concilium in Ecclesiâ B. Petri ad Westm. 15. Kal. Junij Dominicâ ante Ascens. Domini. Affuerunt in hoc Concilio omnes Suffraganei Cantuariensis Ecclesiæ præter Wigorniensem, quem sua infirmitas excusavit, & Norwicensem, qui diem clauserat extremum. In hoc Concilio ad emendationem Anglicanæ Ecclesiæ assensu D. Regis & PRIMORUM OMNIUM Regni, hæc subscripta promulgata sunt Capitula. Ad dextram Primatis sedit Episcopus Lond. quia inter Episcopos Cant. Ecclesiæ Suffraganeos Decanatus præminet dignitate. Ad sinistram sedit Episcopus Winton. quia Cantoris officio præcellit. Cæteri tam Episcopi quam Abbates secundum primogenita Consecrationis suæ consederunt. Ipse vero Archiepiscopus Primas & Legatus residens in sublimi, post Sermonem quem tam fucunde quam diserte fecit, in communi de scripto legi fecit statuta Concilij sui sub hac formâ: " Ideo in Ecclesiâ Dei, &c.*

In this Council Roger Archbishop of York, was not present himself, the Archbishops of York not caring to come to the Archbishop of Canterburies Councils, tho' summoned by a Legatin Power. According to *Paris*, *Concilio noluit interesse*. But he sent certain of his Clergy to act on his behalf, who Appeal'd there against the Archbishop of Cant. on 3 accounts. 1. Concerning the Archbishop of York's carrying the Cross before him within the Diocess of Cant. 2. Concerning the Bishopricks of *Lincoln, Chester, Worcester, and Hereford*, that they belonged to the Province of York.

3. For that the Archbishop of Cant. had Excommunicated the Clerks of S. Oswald in Gloucester, (which the Archbishops of York claim'd as belonging to their Jurisdiction) for not obeying his Summons.

Radulphus de Diceto (a) takes notice of the Archbishop of York's Contumacy in these Words. *Habitum est Concilium REGIONALE apud Westm. 15. Kal. Julij præsidente Ricardo Cant. Arch. & Apost. Sedis Legato. Rogerus Ebor. Arch. Concilio non interfuit, nec qui ejus absentiam allegarent transmissit, cum juxta præscam Consuetudinem ad vocationem Cant. Ecclesiæ, vel interesse debuerit, vel justam absentiae causam per nuncios & per Epistolam probabiliter allegare. Statuta Concilij si bene revolveris perpauca reperies, quæ tibi corpus Canonum incorporare non possit.* For *Julij*, it ought to be read *Junij*, as appears from the series of the Chronology, the 13. Kal. *JUNII* being mentioned just after; yet *M. Paris* also has 15. Kal. *Julii*, deceived by this false Reading in *De Diceto*. *Matthew of Westm.* has the same, but he follows *Paris*. Both these Writers, instead of *Concilium regionale*, call it *Concilium generale*.

In the same Council the Clergy of the Church of S. Asaph petitioned the Archbishop against their Bishop for *Non residence*, that either he might be oblig'd to return to his Church, or that the Archbishop would institute another in his place. Upon which the Bishop freely resign'd his Bishoprick. There also the Archbishop deprived *William Abbot of Peterborough*, as (b) *Gervase* in another place tells us: *Idem Archiepiscopus apud Westm. memoria dignum celebravit Concilium, & post Sermonem quem facunde*

(a) Col. 585. (b) Col. 1674. Act. Pontif. Cant.

sententijs plenum expressit 18. Capitula promulgavit. In hoc Concilio Godefridus Episcopus S. Asaph per annum suum resignavit Episcopatum. Deposuit etiam certis ex causis Willielmum Abbatem de Burgo, & eidem ex assensu Regis supposuit Cancellarium suum BENE-DICTUM. This is the same Benedict Abbot of Peterborough, whom I but now cited, concerning this Council.

The same Year another Council was held at Woodstock in Midsummer Week, for the filling up the Bishoprick of Norwich, and many Abbys which were then void. *Hoveden (a) Eodem anno in Octabis Nativ. S. Job. Bap. venerunt ambo Reges usq; ad WODESTOCK, & occurrerunt eis, illuc Richardus Cant. Arch. &c. — Et Hugo Dunelmensis Episcopus, qui illuc venerat pro negotio suo. Venerunt etiam illuc omnes Abbates Cant. Diocesis, & magnum celebrauerunt Concilium de Pastore eligendo ad sedem Pontificalem Norwicensis Ecclesiæ, & de Pastoribus eligendis ad Abbatias, quæ tunc vacabant per Angliam. — Johannes vero de OXENFORDE Clericus Regis ELECTUS est ad Episcopatum Norwicensis Ecclesiæ. — Prædictæ autem Abbatie distributæ sunt viris religiosiis sicut D. Regi & prædicto Archiepiscopo placuit. (b) Bromton mentions the same Council, in these Words: Finito sic dicto Concilio, dicti Reges peregrinatione suâ ad B. Thomam Cantuariensem peracta, usq; REDINGES inde redeuntes, in ipsâ die Pentecostes Curiam suam & festum regium tenuerunt. Et inde D. Rex unum de Clericis suis ad Ecclesiam Norwicensem & ad Abbatias per Angliam tunc vacantes cum literis suis misit, significans Priori & Conventui domorum vacantium, quod ipse Prior cum 5. vel pluribus de discretioribus vel sapi-*

(a) F. 311. b. (b) Col. 1102.

entioribus Domus suæ qui ad hoc sufficerent, in Nativitate B. Joh. Bap. obviam ei & Domino Cant. Archiepiscopo apud OXONIAM venirent ad Pastorem Domui suæ necessarium eligendum. Et præcepit quod unusquisq; Prior literas sui Conventus de ratihabitione secum ferret. Similiter Cant. Archiepiscopus illud idem per unum de Clericis suis ad dictas domos vacantes cum dicto Regis Clerico scripsit & mandavit. — Circa Octabas Nativitates B. Joh. Bap. Regibus prædictis usq; WODESTOCK venientibus, Ricardus Cant. Archiepiscopus & 8 Episcopi ejusdem Provinciæ & plures Abbates de eadem eisdem ibidem ad illum terminum occurrerunt, de Pastore ad sedem Norwicensem & alijs Pastoribus per Abbatias tunc vacantes eligendis & instituendis coram dictis Regibus ibidem Concilium celebrantes. In this Council by P. Alexander's Command, the Election of Geffry the King's Son, to the Bishoprick of *Lincoln*, was confirm'd, who was then so young, that he was afterwards sent abroad to School.

After this, in the same Year, came Cardinal *Hugo*, or *Hugutio* (a) (or *Hugezon*, or *Hugeron*) Sirnam'd *Petrileonis* (b), into *England*, as the Popes Legat, who gave the K. Power to implead Clergy-men (c) for transgressing the Laws of the *Forests*. And after that, in *Mid-lent*, held a Council, in which many of the inferior Clergy were present; but it broke up as soon as begun, by reason of a Difference which happened between the 2 Archbishops concerning Precedence. The Archbishop of *York* pretending to sit on the Legats Right Hand, the Servants of the Archbi-

(a) Or *Hugezoun*, *Hugezun*, *Hugerun*. (b) or *Petroleonis*.

(c) See *Paris*.

shop of Cant. fell upon him, pulled him out of his Seat, threw him down, and trod upon him, and probably would have done him more mischief had not the Archbishop of Cant. rescued him out of their Hands. *Eodem Anno. 1176.* says *Hoveden (a)*, *in medio Quadragesimæ Hugerun tituli S. Michaelis de Petra leonis Card. & Apost. sedis Legatus, Londonias venit celebraturus Concilium. Et convenientibus ibidem in unum Cant. & Ebor. Archiepiscopis, & omnibus Episcopis & Abbatibus Angliæ, & CLERO MULTO; prædictus Cardinalis sedit Cathedralatus ap. Westm. in capellâ Monachorum infirmorum, & Episcopi & Abbates cum illo, &c.* — Radulphus de Diceto. (b) *Mandato Cardinalis, Clero totius Angliæ generaliter Lundoniæ convocato Die Domin. quâ cantatur, Lætare Jerusalem, cum de statuendis vel rescandis tractatus esset habendus communis, adversus Cant. Archiepiscopum insurrexit Ebor. &c.* — Bromton: (c) *Venit ad Curiam D. Regis Hugezoun Card. & de consilio D. Regis omnes EPISCOPOS, ABBATES, & PRIORES totius Angliæ citari fecit quod essent coram eo Londoniæ in mediâ Quad. ad mandata summi Pont. audienda. Mediâ Quad. adveniente D. Rex, & Rex filius suus, & dictus Card. & Ricardus Cant. Arch. cum Suffraganeis suis, & Rogerus Ebor. &c.* He adds, that those that fell upon the Archbishop of York, were the *MONACHI & familiares* that came with him: that the *Legat* Appealed against the Archbishop of Cant. as presuming it was done by his encouragement; on the other side the Archbishop of Cant. appeal'd against the *Legat*; that the Archbishop of York appeal'd against the Archbishop of Cant, and against the Bishop of

(a) f. 314. b. (b) Col. 588. (c) Col. 1108.

Ely, as having laid violent Hands upon him : Sicq; finito Concilio, Cardinalis convocatis Episcopis, Abbatibus, Prioribus, & OMNI CLERO qui aderat, coram illis dictam appellationem quam fecerat renovavit, & datâ benedictione omnes abcedere permisit, &c. — Gervase (a) Mense Marcio circa mediam Quad. venit Rex Londoniam cum filio suo Henrico una cum domno Hugutione Legato, qui convocato Clero Angliæ Concilium celebrare proponebat, &c. — A quibusdam Episcopis, CLERICIS; & Laicis turpiter dejectus, &c. The same Writer in another Work (b) says the Legat called together EPISCOPOS & AB-BATES Angliæ. A MS. Chronicle in the Cotton Library (c), which begins with *Augustus*, and ends in 1312. An. 1176. Hugo Card. celebravit Concilium apud Lond. ad Lætare Jerusalem, præsentē Rege facta est seditio inter Archiepiscopos scil. Cant. & Ebor. ubi Episcopus Eliensis G. Ridelscidit capam Archiepiscopi Ebor. & impeditum est Concilium.

An. 1183. the Pope sending to the K. for an aid against the Romans his Enemies, a Synod was called to consider of it. *Hoveden*: (d) *Venerunt nuncij sui ad Henricum R. Angliæ, postulantes ab eo & a Clericatu Angliæ Auxilium. Consuluit itaq; Rex Episcopos suos & CLERUM ANGLIÆ de petitione summi Pontificis, cui Episcopi & CLERUS consuluerunt, ut ipse secundum voluntatem suam & honorem faceret auxilium D. Papæ, tam pro seipso quam pro illis: quia tolerabilius esset, & plus placeret eis, quod D. Rex, si vellet, accepisset ab eis recompensationem auxilij illius, quam si permisisset nuncios D. Papæ in Angliam venire ad capiendum de eis auxilium; quia si*

(a) Col. 1433. (b) Col. 1674. (c) Tiberius A. 10. (d) f. 354. b.

aliter fieret, posset verti in consuetudinem ad detrimentum regni. Adquievit Rex consilio eorum, & fecit auxilium magnum D. Papæ in auro & argento.

An. 1184. on S. Dunstons Day, there met at Windsor by the King's Command a great Convention of the Clergy for the chosing a new Archbishop in the room of Archbishop Richard deceased. Gervase: (a) Rex Angliæ misit nuncios & literas ad Conventum Cant. Ecclesiæ, præcipiens, ut cum Priore suo plures ad eum mitterent Monachos ad WINLESORES. Quo cum venissent Die ordinationis S. Dunstani simul cum Episcopis & CLERO ANGLIÆ, &c.

An. 1186. in May, Coadunato Clero Angliæ apud EGENESHAM, in præsentia Regis & Archiepiscopi (Baldwini) several Bishops, Abbots, and Priors were chosen. (b) Idem.

The Councils of *Windsor, Northampton, Westminster, 1177. Oxford, and Gaintinton*, which are mention'd in the Edition of our Councils Vol. 2. p. 110. ad 116. as held in this Reign, were not Ecclesiastical Councils, but *Parliaments*, and as such I have treated of 'em in the former Part.

(a) Col. 1468. (b) Col. 1480.

Synods

Synods under Richard I. in the time of
Baldwin and Hubert Archbishops.

AN. 1189. Archbishop Baldwin cited (a) John Earl of Moreton, the King's Brother, before him, for marrying his Cousin in the 3d Degree, forbidding him under the pain of Excommunication to Cohabit with her. The Earl appeal'd to the Pope; but notwithstanding that, his whole Estate was by the Archbishop put under an Interdict. About this time came Jo.annes Anagniensis into England as Legat à latere, and before him at Canterbury, in the presence of the King and the Bishops, the Earl complained of the Archbishop's Interdicting his Lands after Appeal, upon which the Legat allowed of his Appeal, and took off the Interdict: *Coram Rege, coram Legato, coram Episcopis gravem querelam deposuit*, says (b) Radulfus de Diceto. — Ibidem, says Bromton (c), *coram prædicto Cardinali, & omnibus Episcopis, & Abbatibus, & CLERO ibi congregato*, Hugh Bishop of Durham, and Hubert Bishop of Salisbury as Dean of York, appealed against Geoffrey Elect of York, because he was chosen in their absence.

An. 1190. the Archbishop being a going to the Holy Land, held a Council at Westm. 11. Kal. Martij, where he took his leave of his Brethren the Bishops, and deputed the Bishop of London to act for him during his absence in his Province,

(a) Gervase Col. 1550. (b) Col. 650. (c) Col. 1169.

and the Bishop of Rochester in his Diocess: mention'd by *M. Paris*, and out of him by *Mathew of Westm.* *Radulfus de Diceto* (a) tells us, that he deputed the Bishop of London, *de communi consilio Suffraganeorum suorum*.

The same Year, *William* Bishop of *Ely*, being made the Pope's Legat, and Procurator of the Kingdom in the King's absence, held a Synod at GLOCESTER: *Willelmus Angliæ Legatus convocavit Angliæ Episcopos apud GLAVORNAM*, says *de Diceto* (b). In another place (c) *In festivitate B. Petri quæ dicitur ad vincula, Willelmus Elyensis Episcopus Apostolicæ sedis Legatus convocavit multos apud GLOCESTRIAM*.

Again the same Year, he held another at *Westm.* Octob. 15. as the same Author tells us: (d) *Habitum est regionale Concilium apud Westm. præsidente Willelmo Elyensi Episcopo & Apost. sedis Legato Idibus Octobris, Ricardus Lund. Episcopus III. juxta præstitam regni consuetudinem ad dexteram Legati sedem obtinuit: Godefridus Wint. Episcopus ad sinistram*.

Gervase (e) places this Council to the Year 1191. and tells us, that the Bishop of Rochester and the Prior of Cant. in that Council required the Legat not to do any thing against the Rights and Dignity of the Church of Cant. *M. Paris* ad An. 1190. observes, that in this Council *pauca vel nulla provisæ sunt de ædificatione Ecclesiæ Anglicanæ*. He calls it only *Concilium Provinciale*. *Hemingsford* (f) mentions it in these Words: The Bishop

(a) Col. 651. (b) Col. 520. (c) Col. 655. (d) Col. 656. 520.
(e) Col. 1565. (f) p. 528.

of Ely, says he, *ut ad summum eveetus videretur; generale Concilium ex Angliâ terrore maximo Londoniæ congregatum, quanto gloriosius tanto & vanius celebravit, sub specie scil. Religionis agens propriæ negotium vanitatis, quod utiq; agebat fortius, eo quod Metropolitanæ Ecclesiæ vacabant utræq;*

An. 1191. Archbishop Baldwin being deceased, Reginald Bishop of Bath, was chosen Archbishop at Cant. in a Convention of the Bishops and Proceres; but he died before Confirmation. There is extant in *Rad. de Diceto* (a) an Epistle of the Suffragans of Cant. to P. Celestin, in which they tell him, that as soon as they had heard of Archbishop Baldwin's Death, lest the Monks of that Church should presume of themselves to proceed to an Election, they sent *de communi consilio* the Bishop of London together with the Lord Justice of England to Cant. to inhibit 'em: that afterwards they themselves were together with the Monks called to London by the Bishop of London, as Dean of the Province: that a difference arising there between them and the Monks, they appointed to meet together again at Cant. Dec. 2. *Interim autem Comes Moritonij D. Regis Frater, & D. Rothomagensis* (the then Lord Justice) *Bathoniensis, Rosensis, Herefordensis, Menevensis, Coventrensis, Episcopi, cum pluribus regni magnatibus pro quibusdam magnis Regni negotijs transitum fecerunt usq; Cantuariam. Cumq; super negotijs ipsis in Palatio Cant. Archiepiscopi residentes tractarent, ingressi sunt coram eis G. Prior & quidam Monachorum, & manus injicientes in Bathoniensem, & eum electum suum nominantes in medio residentium sustulerunt. Quos memo-*

(a) Col. 666.

rati Præfules & regni Proceres è vestigio subsecuti denuo vestram appellarverunt præsentiam 5. Kal. Dec.

An. 1192. there being a great Difference between the Archbishop of York and the Bishop of Durham, the matter was heard before Elionor the King's Mother, and the Archbishop of Roan, as Lord Justice of England, & *fere totius Angliæ Episcopis in unum congregatis*: But they could not reconcile 'em.

An. 1193. the K. from beyond Sea directing a Mandate to the Bishop of London as Dean, and to the rest of the Suffragans of the Province, to elect a new Archbishop, *ad vocationem D. Londoniensis plures Episcopi convenerunt, quidam suæ causam absentiae satis probabilem, vel per literas, vel per Nuncios allegarunt. Convenerunt ad vocationem ejus plures locorum Conventualium principales personæ. Dies Dominica præfinita fuit electioni, scil. tertio Kal. Junij.* There Hubert Walters Bishop of Salisbury, was chosen Archbishop, as may be seen in (a) *Rad. de Diceto.* and in (b) *Gervase.* In the last of which Writers we have the Bishop of London's Summons which he sent to the several Bishops, with this Remark, that to him as Dean of the Province, *specialiter pertinet ad nutum Archiepiscopi vel Cant. Ecclesiæ, Episcopos convocare.*

Archbishop Hubert being chosen, *habitus est generalis Conventus Episcoporum Cantuariæ, Nonis Novemb. ad sollemnem Archiepiscopi susceptionem & inthronizationem. Convenerunt & aliæ Conventualium Ecclesiarum personæ principales. De Diceto (b).* But this was rather a Feasting than a Synod; and in

(a) Col. 669. (b) Col. 1579. (c) Col. 671.

the Registers of the Archbishops of Cant. still extant, we have the Forms recorded, by which the Bishops, Abbots, and Lords were wont to be invited to an Archbishop's Consecration.

An. 1195. Hubert Archbishop of Cant. by vertue of his Legatin Authority held a Council at York for that Province, on Barnaby Day: and made certain Constitutions, and deprived the Abbot of S. Maries in that City. *Hoveden* (a) *Venit Legatus ille Eboracum* — *Sequenti Die Lunæ fecit ipse teneri Assisas de omnibus placitis coronæ Regis*, (he was at the same time Lord Justice of England) & *de Novâ dissaisinâ, & de morte antecessorum per ministros suos. Ipse vero & officiales sui tenuerunt placita Christianitatis. In sequenti die feriâ 3. perrexit ad Abbatiam S. Mariæ* — *In sequentibus 2 diebus* — congregatis in Ecclesiâ S. Petri Eboraci, Simone ejusdem Ecclesiæ Decano (the Archbishoprick was then void) & Præcentore & Archidiaconis & Cancellario, & Præposito Beverlaci, cum quibusdam ejusdem Ecclesiæ Canonicis, & fere omnibus Abbatibus, & Prioribus, & OFFICIALIBUS, & DECANIS, (Rural Deans) & PERSONIS ECCLESiarUM Eboracensis Diœcesis, ipse Legatus in eminentiore loco Cathedralis, sedit & Concilium celeberrimum celebravit, in quo hæc decreta subscripta Statuit servanda, &c. — Bromton ad An. 1194. (b) Circa hos Dies Hubertus Cant. Arch. procuravit potestatem legationis suæ super Clerum Ebor. provinciæ dilatari. Unde idem Hubertus Apostolicas & Regias in Angliâ vices gerens, mortuo jam Ebor. Archiepiscopo, Eborac. Metropolim adjit, suppresso pro tempore Primatis nomine, magnam ibi potestatem exercuit, ac nul-

(a) f. 429. (b) Col. 1263.

lo obfistente seu reclamante Concilium celebravit.
Mention'd also by (a) Knyghton.

The Council of *Pipewel*, which is mentioned amongst our *Synods* in *Sir Hen. Spelman's* (b) Collection, I have spoken of in the former Part, amongst the Parliaments of this Reign.

Synods under K. John, in the time of Hubert and Stephen Langton, Archbishops.

AN. 1199. an Aid was gather'd over all England, by the Pope's Command, for the Holy Land, as was pretended, viz. the 40th part of the Income of the *Secular Clergy*, and of the *Religious Houses*. (c) *Rad. de Diceto*. Whether it was done with the consent of a Synod, called for that purpose, is uncertain. But

About the same time, Sept. 19. a Synod was held by Archbishop *Hubert* at *Westm.* in which were present the *Bishops, Abbots, and Priors* of the different Orders. The Archbishop of *York* refused to come. Mentioned by the same Author, just after the Subsidy *Celebratum est Concilium apud Westm. 13. Kal. Oct. præsidente Huberto Cant. Archiepiscopo, præscentibus Episcopis W. Londoniensis, &c. cum ABBATIBUS & PRIORIBUS diversi*

(a) Col. 2410. (b) Vol. 2. p. 119. (c) Col. 707.

Ordinis, qui ad vocationem D. Cantuariensis eo conuenerant, ut de causis Ecclesiasticis tractarent. G. Prior Cant. sedit ex opposito contra D. Archiepiscopum à latere Episcopi Roffensis. Archiepiscopus Ebor. Concilio non interfuit cum esset in Angliâ, ne (neque) qui ejus allegaret absentiam, cum juxta priscorum consuetudinem ad vocationes Cantuariensis Concilio teneretur interesse, vel justam absentiae suae causam allegare, &c. Bromton (a) mentions the same Council, and says, that S. Hugh Bishop of Lincoln died there. *Concilium sub Huberto Cant. Arch. & Apostolicæ sedis Legato Londoniæ celebratum fuit; ubi x. Kal. Oct. sanctus Hugo Lincolnienſis Episcopus obiit* ——— De Diceto who lived at that time, gives this reason why he was not present in the Council, because in his return from Rome he had been taken ill, and in the time of the Council kept his Bed in the old Temple.

An. 1200. Archbishop Hubert held a general or national Council at *Westm.* contrary to the prohibition of Geffry Fitz-Peter Earl of *Essex*, Lord Justice of England in the King's absence; and there published certain Canons which are extant in *Hoveden* (b), Eodem anno (says that Writer) Hubertus Cant. Archiep. generale celebravit Concilium Londonijs apud Westmonasterium, contra prohibitionem Gaufridi filij Petri, Comitis de *Essex*, tunc temporis summi Justiciarij Angliæ. In quo Concilio idem Archiepiscopus subscripta promulgavit Decreta, statuens ea à suis subjeetis inuolabiliter observari. The same Council, and that it was held contrary to the Lord Justice's Prohibition, is mention'd also (but as it seems out of *Hoveden*) in the Annals of *Lanercost*

(a) Col. 1282. (b) F. 458. b.

a MS. in (a) Sir Robert Cotton's Library. Gervase of Canterbury (b), who lived at the same time. *Archiepiscopus Concilium apud Westm. celebravit, ubi post Sermonem decenter completum, post varias discussiones causarum Capitula promulgavit, & in crastino duos sacravit Episcopos, &c.* The Decrees run in this Style, *Præcipimus, Decernimus, Constituimus, &c.* In the beginning; *Salubri Provisiōe Concilij prospeximus.*

An. 1206. Regni 8. the Pope sending into England for a Subsidy call'd Romescot, the Archbishops, Bishops, Abbots, Archdeacons and others of the Clergy met together in a Council at S. Albans about the end of May, to consider of it, where they received a Prohibition from the K. in these (c) Words: *Rex Archiepiscopis (d), Episcopis, Abbatibus, ARCHIDIACONIS & OMNI CLERO apud S. ALBANUM ad Concilium convocato salutem. Conquerente Universitate Comitum, Baronum, MILITUM, & ALIORUM FIDELIUM NOSTRORUM, audivimus, quod non solum in Laicorum grave præjudicium, sed etiam in totius Regni nostri intolerabile dispendium, super ROMESCOTIO præter consuetudinem solvendo, & alijs pluribus inconsuetis exactionibus, Autoritate summi Pontificis Consilium inire, & Concilium celebrare decrevistis. Nos vero licet ob honorem fidei nostræ & debitum reverentiæ quod sanctæ Romanæ Ecclesiæ impendere tenemur, voluntatem sancti Patris vestri D. Papæ Innocentij obtemperare cu-*

(a) Claud. D. 7. (b) Col. 1681. (c) ap. Pryn Præf. Writs Parl. Vol. 1. and Hist. of K. John, &c. p. 9. out of Pat. 8. Joh. m. 1. or 3. (d) From this Writ it appears that Archbishop Hubert died not till the Year 1206. tho' Paris and others place his Death ad An. 1205. 3. Id. Julij. and Mr. Wharton lays it down for certain that he died that Year.

pimus, tamen omittere non possumus, quin querelis fidelium & subditorum nostrorum clamantium de jactura sua & timentium, prout necesse est, sibi subveniamus, & emergentibus causis quæ indemnitati pacis & unitati Regni nostri obviare possunt, quantâ decet celeritate & diligentia occurramus. Vobis igitur præcise mandamus & expresse prohibemus, ne super prædictis vel aliquibus alijs Concilium aliquod auctoritate aliqua in fide qua nobis tenemini teneatis, vel contra Regni nostri Consuetudinem aliquod novum statuatis, & sicut nos & honorem nostrum, & communem Regni tranquillitatem diligitis à celebratione hujusmodi Concilij & à prædictis taxationibus ad præsens supersedeatis, quousq; cum universitate nostra super hoc COLLOQUIUM habuerimus. Scientes pro certo, quod expediet honori sanctæ Romanæ Ecclesiæ & D. Papæ & Nobis & Vobis, quod istud ad præsens negotium differatur, donec generalem habuimus Conferentiam commodius & honestius explicari. Et quod vobis hoc mandamus pro honore, & commodo sacrosanctæ Ecclesiæ, & vestri & regni nostri id fecimus: Quia talia audivimus quod hoc ita fieri necessario expedit, sicut vobis dicemus cum vobiscum locuti fuerimus. T. m. apud Ebor. 26. Maij.

From the *Waverley Annals* we learn, that the Archbishop himself, and the Bishops, &c. were as much against this Imposition of the Pope, as the K. and the Laiety were, and that they refused to obey him. They tell us *ad An. 1205.* that *Peter de Rupibus* going to Rome to be Consecrated Bishop of *Winchester*, brought home with him a Mandate from the Pope directed to all the Bishops, requiring the Parochial Clergy to levy *Peter-pence* upon all habitable Houses, *i. e.* such as had Chimnies, within their respective Parishes, and to deliver the Money, together with an account of the Houses, to the (Rural) Deans,

Deans, who were to pay it to the Archdeacons, they to the Bishops, the Bishops to the Bishop of Winchester. But this Mandate (says the Annalist) was not admitted by Archbishop Hubert, neither by the Kingdom, nor by the Clergy. Ab HUBERTO mandatum non est admissum, vel à Regno, vel à Sacerdotio.

The Pope seeing that nothing could be obtain'd that way, sends over as his Legat, Johannes Ferentinus, the same Year, to scrape up what he could, who held a Council at REDING, Oct. 19. Eodem anno (says M. Paris (a)) Johannes Ferentinus, Apostolicæ Sedis Legatus, veniens in Angliam, eamq; perlustrans; magnam pecuniæ summam congeffit: & tandem apud RADINGUM in crastino S. Lucæ Evangelistæ Concilium celebravit. Quo facto sarcinulis cum magna cautela dispositis & prudenter commendatis; festinus viator ad mare perveniens, Angliam à tergo salutavit.

An. 1213. K. John having submitted himself to Pandulfus the Pope's Legat, promised restitution of what he had taken away from the Clergy, and received the new Archbishop Stephen Langton; the Archbishop on Aug. 25. call'd a Council to know what they had been deprived of: As the K. had a little before call'd a Parliament at St. Albans to know of his Officers what they had taken away from 'em: Archiepiscopus citò post adventum ejus in Angliam (say the Worcesterley Annals) primum Concilium ex viris Ecclesiasticis apud Westm. in crastino S. Bartholomæi convocavit: sed in primis apud S. Paulum Sermonem fecit

(a) p. 180.

ad populum quo sic incepto, In Deo speravit Cor meum, &c. Surgens quidam verbis hujusmodi altâ voce respondit : Per mortem Dei (inquit) mentiris, nunquam cor tuum speravit in Deo, nec refloruit caro tua. Hoc audito tacuit Archipræsul, obstupescens omnibus, nec mora, irruente in eum Populo, flagellatus est, custodiæq; traditus, ut in Die sequenti, quâ temeritate hujusmodi proferret sermonem, innotesceret. Archipræsul vero prosecutus est sermonem, quo nobiliter peracto, personis Ecclesiasticis in unum apud Westm. convocatis, præcepit Archipræsul ut unusquisq; diligenter summam rerum ostenderet, quæ à se extortæ vel irrationabiliter concessæ Regi fuerant, Rex namq; per suos, Archiepiscopus per suos inquisitiones faciunt super ablatis per Angliam.

This Council of Aug. 25. (a) *M. Paris* calls a *Colloquium*, and he says there were present in it the *Bishops, Abbots, Priors, DEANS, and Barons*. He makes it to be at *S. Pauls* (not at *Westm.*) perhaps because the *Sermon* was there. There (he says) the Archbishop gave leave to the *Conventual* and *Parochial Churches* to have *Divine Service* read in 'em in the hearing of the *People*, but with a low *Voice*; which was in part, but not a full remission of the *Interdict*. This Council I find mention'd in a *MS. History* in *Lambeth Library* (b) *Legatus Pandulfus à Rege & Archiepiscopo redeundi Romam licentiam accepit. Quo regresso Archiepiscopus celebravit magnum Concilium, in quo ordinatum fuit quantum quisq; peteret pro dampnis à Rege sibi impositis.*

The *Provincial Constitutions* of Archbishop *Langton*, which in the *Collection* of our *Councils* (c) are misplaced *ad an. 1206.* were perhaps made

(a) p. 201. (b) fol. Vol. 169. (c) Vol. 2. p. 133.

in this Council: at least they could not be made before.

Nicholas Bishop of *Tusculum* the Pope's Legat, coming into *England* about *Michaelmas* to put an end to the Controversy depending between the K. and the Clergy touching Restitution, a Council was held at *London* soon after about that Affair. *Conveniente*, says *Paris* (a), *Archiepiscopo Cant. cum Episcopis & Magnatibus regni Londonij in præsentiâ Regis & Cardinalium* (*Nicholas & Pandulphus*) tractatum est ibidem per triduum inter Regnum & Sacerdotium, de damnis Episcoporum & Abbatum. This they treated of (says he) for 3 Days together, and the K. offer'd the injur'd Bishops, &c. 100000 Marks to be paid immediately, offering besides his Oath and Security to give 'em full satisfaction by the *Easter* following. This the Legat consented to; but the Bishops were for having full Satisfaction before the Interdict should be taken off; and they lookt upon the Legat as Bribed, for assenting to the King's Proposal. So the Matter was put off to another Council appointed to be held at *REDING* in *November*.

On the 4th Day of the Council, they all met again at *S. Pauls*, and had great debates about taking off the Interdict: and there *coram Clero & Populo*, the K. renewed his submission to the Pope, resigning his *Crown* and *Dominions* to the Legat; and the Charter or Instrument which he had before given *Pandulphus* seal'd with Wax, was now bullated with Gold. Concerning the Interdict and Restitution, they came again to this Resolution, that

(a) p. 207.

the Matter should be put off to another Council to be held at *Reding* in *November*.

Nov. 5. they all meet again at *REDING*: but the *K.* not appearing there, they met together *2. Days* after at *WALINGFORD*, where the *K.* was. And there after some Proposals it was agreed that the Business of the Restitution should be refer'd to *4. Barons*.

Dec. 6. they met together again at *Reding* about the same Matter. *Convenerunt Rex cum Legato, Archiepiscopus cum Episcopis, Magnatibus, ac omnibus viris Religiosis, ad Interdicti negotium contingentibus, apud RADINGUM, 8. Id. Dec. &c. Idem.*

These several Councils I find mention'd in the Chronicle of the Priory of *Dunstable*, a *MS.* in the *Cottonian (a) Library*, in these Words: *1212. in Autumno Tusculanensis Episcopus Apostolicæ Sedis Legatus venit in Angliam ad instantiam Regis. Qui convocatis Rege & Clero primo apud LONDON: 2do apud Walingford: 3tio. apud REDING: sed non profecerunt Clerum. Unde ad plenum, in executione pacis juratæ inter Regem & infecto negotio mense Rex transfretavit, & Legatus visitavit Ecclesias vacantes, Wigorniensis Ecclesiæ præficiens Cancellarium, & deposuit Rogerum Abbatem de Evesham.*

The *K.* and Pope were now grown such great Friends, that they both join together to oppress the Church and Kingdom. The Pope Commissions *Nicholas* his Legat to fill up all vacant *Bishopricks* and *Abbies* with whomsoever He and the *K.* should think fit, giving him power to Excommunicate any Chapters that should not acquiesce

(a) *Tiberius A. 10.*

in their Nomination. This they immediately put in Practice, even so as to bestow Livings too without the consent of the Patrons.

This the Archbishop highly resenting, about the beginning of Jan. calls a Synod of his Suffragans at DUNSTAPLE: from whence after some Debates, he sends two of his Clergy to the Legat then residing at Burton upon Trent, to forbid him in his Name to ordain any one to any Church or Dignity in his Province, and to enter an Appeal against him. An. 1214. (beginning the Year at Christmas) post Octavas Epiphaniæ convenerunt apud DUNESTAPLIAM Stephanus Cant. Archiep. cum suis Suffraganeis, ut de negotijs Ecclesiæ Anglicanæ tractarent ibidem, &c. The Legat goes on notwithstanding the Appeal, and with the King's Consent sends Pandulphus to Rome, ut Archiepiscopi & Episcoporum propositum irritaret. The Archbishop sent his Brother Simon Langton thither. But who got the better of it, 'tis easy to guess, and Paris (a) tells us.

After this, in the Month of July, the Legat having received an Order from the Pope, calls a Council at S. Pauls to determine that Matter of the Restitutions, and to take off the Interdict: Legatus in urbe Londonensi apud S. Paulum, grande congregavit Concilium: Ubi congregatis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus & alijs ad hoc negotium Interdicti spectantibus, &c. — Relaxato Interdicto, venerunt ad Legatum Abbatibus, Priores, Templarij, Hospitalarij, Abbatissæ, Moniales, Clerici, & Laici, scil. innumera multitudo; petentes de damnis & injurijs Interdicti tempore sibi

(a) p. 208.

illatis, fieri restitutionem, &c. — Anno 1214. say the Waverley Annals, in Oct. S. Johannis Bap. celebratum est Concilium apud Londinum à D. Nicholao Legato, & Simone (for Stephano) Cant. Archiepiscopo, & alijs Episcopis Angliæ; ubi solutum est Interdictum Angliæ, anno Interdicti 7. 6. Non. Julij, feriâ iv, &c. I have elsewhere observ'd that the MS. Eulogium calls this a Parliament, and says, that therein the Pope releas'd K. John from all Homage and Fealty to the See of Rome; which is a great Mistake.

This Matter being at last brought to an end, the K. grants the Church a Charter for the free election of Prelats, Dat. Jun. 15. Regni 16. which is extant in 2 places in Paris (as I have elsewhere said) and is mention'd in his Magna Charta.

Synods under Henry III. in the time of Stephen Langton, S. Edmund, and Boniface, Archbishops.

AN. 1216. Henry III. being Crown'd King Gualo the Pope's Legat called a Council at Bristol, as the *Waverley Annals* say, on S. Martins Day, and there compelled xi. Bishops of England and Wales, that were there present, and the other Prelats of the lower Order, and the Earls and Barons and Knights which were come together, to swear Fealty to him: And put all Wales un-

der an Interdict, and Excommunicated all those that held out against him.

An. 1220. at the Translation of the Body of S. Thomas a Becket out of his Tomb into one made of Gold and precious Stones, there met together at Cant. a mighty number of all sorts of Persons both of the Clergy and Laiety. It was done by the Archbishop of Cant. says Paris (a), *præsentē Rege, & omnibus fere Episcopis totius regni, cum Abbatibus, Prioribus, Comitibus, Baronibus, Clero & Populo multo, in crastino octavarum Apostolorum Petri & Pauli*. There were present at this Solemnity a great many of other Countries, especially of France, Archbishops, Bishops, Abbots, Priors, &c. The splendid Entertainment which the Archbishop gave the whole Company is spoken of in the MS. Chronicle (b) of Dunstable in very high and Hyperbolical Terms, as equalling, or even exceeding, all that ever were given in the World.

An. 1221. the Earl of Albamarl being in open Rebellion against the K. he with all his Adherents was Excommunicated à Legato Pandulpho & Episcopis & CLERO Angliæ. Mat. Westm. ad an.

An. 1222. a (Provincial) Council was held at CANTERBURY by Archbishop Langton, where a Person was tried and Condemn'd, who had in his Side, and in his Hands and Feet, the 5 Wounds of our Saviour, pretending to be Christ, as also an Hermaphrodite who was his Accomplice: *judicio Ecclesiæ puniti*. In the same Council a Deacon who had turned Jew was condemn'd,

(a) p. 261. (b) Cotton Tiber. A. 10. f. 15. b.

whom *Falco* a great Man of that time, presently ordered to be Hang'd. This Council is mention'd by *Paris* (a), and I wonder therefore how the Collector of our Councils could be ignorant of it.

The same Year, after *Easter*, another Council was held at OXFORD by the same Archbishop, which *Matthew of Westm. Knyghton* and others, (b) confound with that of *Canterbury*, telling us, that the above mention'd Persons were condemn'd in the Council of Oxford. *Knyghton* adds, that the Impostor who pretended to be Christ, being condemn'd *judicio Ecclesiæ* was Crucified at *Abburbury*. In this Council of Oxford were made many Canons, which begin thus: *Auctoritate Dei Patris, & B. Virginis, & omnium Sanctorum, & præsentis Concilij, Excommunicamus omnes illos, &c.* — *Statuimus etiam auctoritate Concilij præsentis.* — *Duximus statuendum* — *præsentis statuto diffinimus* — *statuimus, præsentis Concilio approbante, &c.* — *Ut autem omnia & singula sine bono concludantur, Lateranensis Concilij sub sanctæ recordationis P. Innocentio celebrati in præstatione Decimarum, & alijs Capitulis firmiter præcipimus observari, & in Synodis Episcopalibus Constitutiones illius Concilij una cum istis (his) prout videbitur expedire, volumus recitari. Excommunicationes etiam in hoc Concilio promulgatas singulis annis in Synodis Episcopalibus, & quater in anno in Ecclesijs Parochialibus solemniter iterentur.* *M. Paris* (c) calls this generale Concilium, i. e. a National Council. In the MS. Chronicle of *Dunstable* it is plac'd to the Year 1221. Anno 1221. post Pascha,

(a) p. 265. (b) Col. 2430. (c) p. 266. ad an. 1222.

Stephanus Cant. Arch. apud Oxoniam Concilium convocavit, &c.

An. 1225. another Council was held by the same Archbishop, in which a Decree was published against the Wives of Clergymen. Mention'd also by Paris (a), and yet omitted in Spelman's Collection. *Eodem anno exiit Decretum ab Archiepiscopo Cant. & Episcopis ejus Suffraganeis, in hunc modum, &c.*

The same Year came Otto the Popes Legat into England to demand 2 Prebends in every Cathedral Church, and as many in every Monastery, to be in the Pope's disposal. The K. having read the Pope's Letter, made answer (b), *quod solus non potuit diffinire, nec debuit, negotium quod omnes Clericos & Laicos generaliter totius regni tangebat.* By the Archbishop's advice *datus est dies à Rege in octavis Epiphaniæ; ut convocatis omnibus Clericis & Laicis, super præfato negotio tunc tractarent apud Westm. & ibidem fieret, quod justum singulis videretur.* On Hilary Day (c) following, at Westm. (ubi Rex cum Clero & Magnatibus regni comparere debuerat. ut D. Papæ mandatum audiret) there were many Bishops gathered together, *cum alijs Prælatiis & Laicorum turbis.* Where the Popes Letter being read, and the Legat endeavouring to perswade the Prelates to give their consent, *Episcopi, & Ecclesiarum Prælati, qui personaliter interfuerunt, divertentes seorsum ad colloquendum, cum super rebus propositis diutius deliberassent, responsum suum in ore Magistri Johannis Bedesfordensis Archidiaconi communiter posuerunt.* The Archdeacon coming into the Legats presence, gave him this An-

(a) p. 273. (b) Paris p. 274. and out of him Mat. Westm. (c) p. 276.

swer, That the Business especially concern'd the K. of *England*, and in general all the Patrons of the Churches of the Kingdom; that the Archbishops, their Suffragans, and innumerable Prelats of *England* were concern'd; that the K. lying then ill (at *Marlborough*) and some Archbishops, and Bishops, and other Prelates of Churches being absent, they could not give him any Answer. Then came in certain Messengers, sent from the K. to all the Prelates who held their Baronies of the K. in Capite, forbidding them to give up any Lay Fee to the Church of *Rome*, by which the K. might be deprived of any Service due to him. The Legat hearing this, would have prorogued the Council to Mid-lent, that at that time the K. and the Prelates who were then absent, might be present; but they answered that without the consent of the K. and those that were absent, they would not admit of the Day prefixt; and so all returned home.

The Lent following the Legat was recall'd, and the Archbishop having receiv'd a command from the Pope, to return him an Answer to his demands about which the Legat had been sent, called a Council at *Westm.* after *Easter* (an. 1226.) and before the K. and the Prelates order'd the Popes Letter to be recited. Then the K. calling aside the Prelats and some of the great Men, gave the Archbishop this Answer, That other Kingdoms being concerned in this Matter as well as *England* (for the Pope had made the same demands in *France* and other Countries), his Kingdom should stay to take example from others. And so all had liberty given 'em to return home. (a) *Stephannes Cant. Arch. vocatis ad*

(a) p. 278.

Concilium cunctis apud Westm. post Pascha, quos negotium tangebatur, recitari fecit literas — coram Rege & Prælatiſ Angliæ, qui ad ejus vocationem plene convenerant. — Tunc Rex, convocatis ſeorſum Prælatiſ & quibuſdam Magnatibus, hoc Archiepiſcopo dedit reſpoſum — & hiſ dictiſ, conceſſa eſt omnibuſ licentiarecedendi.

About the Year 1236. (in all probability before Otto's Legatin Council) Edmund Archbiſhop of Cant. publiſh'd his *Provincial Conſtitutions*. Of which I have no more to ſay, but that they were directed to the Clergy in the form of an Epistle, as may be gathered from thoſe words cap. 5. *Magna nobiſ, filij chariſſimi, &c.* of the Synod in which they were made we have no account in any Author.

An. 1237. the Legat Otto or Otho, being ſent again into England. the K. ſent to all hiſ Magnates to come before himſelf and the Legat (a) at York. Sept. 14. to treat of the arduous Affairs of the Kingdom: Thither alſo came the K. of Scotland, and a Peace was there made up between the 2 Kings. But this I have already mention'd among the *Parliaments*. After which, when the Legat would have gone into Scotland to hold a Council, the K. of Scotland would not permit it.

The Legat had before this ſummoned all the Prelats of England to meet at S. Pauls in London, in the Octaves of S. Martin (b), *communiter de reformatione Eccleſiæ Anglicanæ tractaturi, & in præſentiâ ejus Concilium celebraturi*. What theſe Prelats were, the ſame Author tells us a little after in theſe Words: *Appropinquante tempore Con-*

(a) Paris p. 377. (b) p. 374.

cilij, jussit sibi Legatus sedem parari in Occidentali parte Ecclesiæ S. Pauli fastigiosam nimis & solennem, longis trabibus & sedilibus gradatim exaltatam. Misit igitur literas suas, ut vocati omnes Angliæ Prælati, scil. Archiepiscopi, Episcopi, Abbates, PRIORES INSTALLATI, TAM SUB CONVENTUS SUI VEL CAPITULI, QUAM SUO NOMINE, LITERAS PROCURATORIAS DEFERENTES; ut quicquid in Concilio statueret Legatus, ratum utrobiq; haberetur. Venerunt igitur omnes juxta mandatum D. Legati, nimis vexati & fatigati in corporibus proprijs equorum & viaticis, utpote ingruente hyeme & multiformi tempestate, omnes Prælati suæ Legatiæ, Angliæ tamen potissime. There were summoned says Mathew of Westm. all the Prelats of England and Wales. There were present say the Burton Annals, the 2 Archbishops, and all the Bishops of England, & cæteri Prælati, vel eorum Procuratores. It is there called Concilium generale totius Anglicanæ Ecclesiæ.

On the first Day appointed for their meeting, which was the (a) Morrow of the Octaves of S. Martin, the Prelates of England came together at S. Pauls, but the Legat did not appear there that Day, because the Bishops had desired to see what he had to propose, and to deliberate that Day upon it, lest he should attempt any thing to their Prejudice. The next Day he appeared, having obtained about 200 Arm'd Men from the K. and disposed them in secret places, for fear of some violence, because it had been noised abroad that he intended to be very severe upon Pluralists and Illigitimats. And always in going and coming he had Guards to attend

him. Being come into the Church, he put on his *Pontifical Habit*, and with the 2 Archbishops before him, in a solemn Procession, with a Cross and Wax Candles lighted, and the *Litany*, he went up to his Seat which was prepared for him. The Archbishop of *Cant.* sat on his right Hand; of *York* on his Left, but not without an Appeal enter'd for the saving of his Right, which he claim'd. The Gospel, *I am the good Shepherd*, being solemnly read according to Custom, and proper Collects being said by the Legat, and *Veni creator Spiritus* being Sung: there came in from the K. the Earl of *Lincoln*, *John Fitz-Geffry*, and *William de Rale* Canon of *St. Paul's*, who forbid the Legat on behalf of the K. and Kingdom, *ne ibi contra Regiam Coronam & Dignitatem aliquid statuere attentaret*, and *William de Rale* staid there, to see that nothing of that kind was done, array'd in his Canonical Cope, &c. but the other two being *Laymen*, after they had delivered their Message retired. Then the Archdeacon of *Cant.* desired that the Legat's Commission should be publicly read: this done, at the King's request, a certain *Privilege* was read for the Festival of *S. Edward* to be observ'd all over *England*, and likewise for the observation of the Festivals of *S. Francis* and *S. Dominick*. On the 3d Day (a) of the Council, after the reading of the Gospel and Collects, the Legat sitting in his Seat, with a loud Voice made a Sermon to 'em, taking this for his Text: *In medio sedis & in circuitu ejus 4 animalia plena oculis ante & retro.* which he apply'd to the Prelats, shewing how circumspect

(a) Page 385. Page 378. it is said *primo Die*, which must needs be false.

they ought to be. After the Sermon he commanded the Decrees to be read, which run in his name, *astantis Concilij suffragio & consensu*. When the Canon was read, which related to *Pluralities*, the Bishop of Worcester stoop up, and putting off his *Miter*, made a Speech against it, upon which the Legat answer'd, That if *all the Prelats*, viz. *the Archbishops and Bishops there present*, thought fit to join with him, and write to the Pope about it, he would do it. After the reading of the Decrees, it having been told the Legat that some had said, that his Decrees had no force but during the time of his Legatship, by his Command Mr. *Attho* one of his Clerks rose up, and out of the Pope's Register read a *Decretal*, which the Legat also there ratified, declaring, That even after his departure his Statutes ought to be observ'd. After this, they all rose up, and the Legat Sung *Te Deum*, and after another Psalm or two, and some Collects, he pronounced the Blessing and dismissed the Council. *M. Paris's* account of this Council is somewhat confus'd; but this is what I take to be the true account of it.

In the *MS. Chronicle of Dunstaple* I find this account of it. *An. 1237. Otto Sedus Apostol. Legatus celebravit Concilium suum generale London; Prælati totius Angliæ ad hoc convocatis. Ubi statuta pleraq; constituit, quæ plerisq; locis habentur. In quo Walterus Ebor. Arch. sedit a sinistrâ Legati salvo suo tam in petitorio quam in possessorio per Legatum expresso. Et licet Legatus pelli suæ timeret, timore tamen postposito quædam dura constituit contra pluralitatem Beneficiorum, & contra filios proximo administrantium. Et licet per triduum duraret Concilium, Rex tamen cum manu armata fecit Legato habere sal-*
uum

salvum conductum ab hospitio ad Ecclesiam S. Pauli, & inde revertenti.

Otto Cardinalis (says the Chronicle De Hales, a MS. in the Cotton (a) Library) *habuit Concilium Londonijs in Cathedrali Ecclesia S. Pauli, assidentibus Archiepiscopis Cant. & Ebor. & omnibus Episcopis Angliæ & Walliæ, præter Landavensem qui infirmabatur.* The *Waverley Annals* ad an. 1237, tell us that there were present the Archbishops, Bishops, Abbots, Priors, and the other Prelats of Churches of almost all England; but that there were very few Abbots of the Cistercian Order there.

The same Year, say the *Burton Annals*, the Archbishops, Bishops, and Clergy, requested the Legat to interpose with the K. for a confirmation of their Liberties, whether in a Synod or in Parliament, is uncertain. I have mention'd the same thing where I speak of the Parliaments of this Year.

An. 1238. the Legat being affronted at Oxford, and his Brother kill'd, summon'd a Council of all the Bishops of England to sit at London 16. Kal. Jun. to treat *de statu Ecclesiæ & Cleri periclitantis.* In which the lower Clergy also were present. There the Bishops and the *universitas Cleri, quæ ibidem in præsentia fuit*, says Paris (b), endeavour'd to pacify the Legat, and terms of submission were agreed upon.

An. 1239. He called together all the Bishops of England at London, on the Day *qua cantatur, Letare Jerusalem* (c) (i. e. in Midlent) to treat of the affairs of the Church. And there after mature deliberation, he published certain Injunctions to be observ'd by the Black Friars.

(a) Cleop. D. 3. (b) p. 397. (c) p. 409.

The same Year, on the last of *July*, all the *Bishops* met together at *London*, to treat of the Oppressions of the Church of *England*, and the Legat's Exactions. To whom there in that Council they made answer with one consent, that they would not by any means submit to his Exactions: Let them that sent for him over (meaning the K.) bear his Expences if they pleased. *M. Paris* makes mention of this Council in 2 distinct places (a): but that it was one and the same appears from the time.

An. 1240, he call'd a Council at *Reding* (b) of all the *Bishops* of *England*, the greater *Abbots*, and some of the *Magnates regni*: where he demanded in the Pope's name the fifth of their Goods as an Ayde against the Emperor *Frederick*. The *Bishops* made answer, after a debate upon the Matter, that they could by no means submit to so great a Burden, without longer time to consider of it. So another time was appointed for their meeting together again.

In the mean time came *Petrus Rubens* from the Pope, who in Conjunction with the Legat exacted what he pleased from the *Abbies*. The *Annals* of *Burton* tell us, that this Year the Legat *Otto* call'd together all the *Abbots*, & *Priores proprios Abbates non habentes*, at *London*, and there laid an arbitrary Tax upon all of 'em.

Presently after that the *Bishops* were summon'd by the Legat to (c) *Northampton* about the same Matter, but they answer'd: *Habemus Archidiaconos nobis subjectos, qui norunt beneficiarum sibi subjectionum facultates, nos autem ignoramus. Omnes tangit hoc negotium, omnes igitur sunt conveniendi, sine*

(a) 422. 462. (b) p. 470. (c) p. 477.

ipsis nec decet nec expedit respondere. So another Day, viz. Midsummer-day, was appointed for 'em to give in their Answer.

On the Day appointed they meet together again before the Legat and his Accomplices, and there gave in their reasons why they could not comply with the Pope's demand.

Upon this the Legat convenes the Rectors of Churches of Berkshire (a), and some others, endeavouring to persuade 'em to a Contribution, but they likewise excuse themselves, and give their Reasons. This was done during the same Council. Their Answer, as it lies in Paris, begins thus: *Dicunt omnes, & dicunt singuli Rectores Ecclesiarum de Berchshyre, quod contra Imperatorem non est contribuendum.* &c. The Annals of Burton (b) place this *ad an. 1244.* and make the Answer to run in the name of all the RECTORS OF CHURCHES in England: *Dicunt omnes & singuli Rectores Ecclesiarum Angliæ quod,* &c. and there the Answer is styled the Answer of the Clergy of England. Tho' Paris's account seems to be truer, yet it sufficiently appears that all the Parsons or Rectors of Churches in England were present in that Council.

The Legat, &c. applied themselves at last to some of the Archdeacons which were the most ambitious, and with promises of advancement prevail'd with 'em (c), *ut dictæ universitati non consentirent*: and so having divided 'em, obtain'd their desires by consent of the Majority. So Paris, who adds in another place (d), that the Pope himself wrote to the Legat, *ut non facit*

(a) p. 477. (b) p. 297. *ad an. 1244.* (c) Paris p. 479.
(d) p. 483.

prius OMNEM simul CLERUM convenire attemptet, ne forte audaciam alterutrum accipientes, pristinis rationibus & exceptionibus fulciantur contradicentes: imo potius singulatim quemlibet eorum conveniendo flectere conetur: and that he should endeavour by all means to prevail with the K. who had hitherto took part with the Clergy: That accordingly the Legat CLERUM ANGLIÆ UNIVERSALITER Londinum, auctoritate Papæ, in festo Omnium Sanctorum, convocavit. Ubi Clerus congregatus simul cum Religiosis, Regem invenerunt adversantem eis, quasi inimicum; — Videntes igitur tam RELIGIOSI quam ARCHIDIACONI & CLERICI BENEFICIATI, qui ad contradicendum Legato in faciem, & ad instans Concilium (Lugduni) appellandum prompto spiritu erecti animabantur, quod facti sunt quasi oves traditæ rictibus luporum cruentatis, mellitis & super oleum mollitis Legati seductionibus quas postea in jacula convertit, consenserunt.

AN. 1241. (a) convenerunt Episcopi Angliæ, viz. Archiepiscopus Ebor. (the Archbishoprick of Cant. was then void) Lincolnensis, Norwicensis, Carleolensis, cum alijs multis gravibus ac discretis Ecclesiasticis personis, tractaturi super multiplici desolatione Ecclesiæ & divinam consolationem postulaturi, &c. They appointed a Fast with proper Prayers generally throughout England, that God would be pleased to relieve the Roman Church now destitute of a Pastor. And they wrote to the Emperor to beseech him not to hinder the Election of a new Pope. The MS. Chronicle of Dunstable tells us that this Synod was held at OXFORD. AN. 1241. CONCILIUM EPISCOPORUM apud

(a) Paris p. 512.

OXONIUM ubi tractatum fuit de jejunijs & Orationibus pro Ecclesiâ faciendis.

An. 1242. (b) the Archbishop of York (in the vacancy of the Archbishoprick of Cant.) by the King's authority called together all the Abbots of England of the Cistercian Order, for the granting of a Subsidy, which he could not obtain of 'em. *Significatum est districtius, & amabilius supplicatum Archiepiscopo Ebor. a Rege Anglorum, ut ipse Archiepiscopus omnes Abbates Angliæ Ordini Cisterciensium subjacentes in unum autoritate Regis congregaret, & congregatos dulcibus affatibus conveniret: Deprecans attentius ex parte ejusdem D. Regis, &c.* The King's Writ to the Archbishop of York is still extant (b) in the Patent and Charter Rolls 26. H. 3. It does not run in that humble begging Style which the Historian mentions, but with, *Vobis mandamus rogantes, &c.*

An. 1244. (c) the Pope sends into England one Martin to levy upon the Prelats an arbitrary Tax, who suspends all those that would not yield to him. After that, the same Nuncio, summon'd 'em all together, and demanded an Ayd of 'em, and certain Prebends, to be at the Pope's disposal: which demand had been made some Years before. But the Prelats by the Dean of S. Pauls, answer'd, that it being a thing that concern'd the K. and all the Patrons of England, and the K. being sick, and the Archbishops, Bishops and other Prelats of Churches being absent, they could determine nothing, lest they should prejudice the Prelats that were absent. *Respondet tibi universitas Prælatorum Angliæ, &c.* This said, there came in

(a) p. 528. (b) Ed. apud Pryn. Eccle. Jurisd. Tom. 3. p. 100. (c) p. 542. 566.

certain great Men from the K. to all the Prelats that held Baronies of the K. in Capite, straitly charging them not to give up any Lay Fee to the Church of Rome, by which the K. might be depriv'd of the Service due to him. Then the Nuncio would have adjourn'd the Council to *Midlent*, but the Prelats answered that they would not admit of any Adjournment without the consent of the K. and the absent Prelats, and so the Council broke up. Thus *M. Paris*: but its so much like what he relates of a former Council, that I cannot but think he confounds the one with the other. And there are other things in that Historian, even within his own time, that are twice told in different places.

After this the Nuncio *Martin* called together (a) some of the Prelats, and obtain'd an Ayd of 'em, tho' not so much as he desired. *M. Paris* calls this too a Council.

An. 1246. (b) the Pope imperiously requiring an Ayd from the Beneficed Clergy, and the Bishop of *London* (the Archbishop was then beyond Sea) and some others meeting at *S. Pauls*, and determining there to have a Council meet about it in *crast. S. Andreae*, the King sends to 'em and requires 'em not to consent to it.

This Convention (but I am not positive that it is the same) I find mention'd in the *MS. Chronicle of Dunstaple* in these Words: *An. 1246. convocavit D. Rex Episcopos, Abbates, & Priores volens de Consilio. communi de plurimis gravaminibus Anglicanarum relevare Ecclesiam: viz. quod D. Papa rallagia & exactiones facit Rege inconsulto contra ipsius privilegia, & quod impedit patronos Ecclesiarum*

(a) p. 567. (b) p. 613.

eas Clericis Angl. conferre, sed autoritate suâ Italicis eas confert, qui idioma nescientes non prædicant, nec eleemosynas faciunt.

The same Year (a) the Pope grants Archbishop Boniface, a Foreigner, and Uncle to the Queen, a Bull for the levying a Tax of 10000 Marks in 7 Years time, upon the Bishops and Clergy of his Province, to discharge, as was pretended, the Debts of the Archbishoprick. In the Year 1252. (b) the Bishop of Rochester by the Pope's Authority in like manner levied the Fifteenth of the Income of the Clergy of his Diocese for 5 Years together, to augment the Revenues of his poor Bishoprick. The Canonists tell us, that on such like occasions, *in usum Ecclesiæ*, Archbishops, and even Bishops themselves, may by their own Authority lay a Tax upon their Subjects. But I do not find it was ever practis'd in England but by the Pope's Authority: and that too was a violent Usurpation. How much the K. was surprized and enraged at the Pope's Grant made to Archbishop Boniface, and how much it was opposed by the Bishops, the Historian tells us.

An. 1255. (c) *Rustandus*, the Pope's Nuncio, who was sent into England for the raising a great Summ for the Pope, *universos Angliæ Prælatos convocavit autoritate Papali Londinum conveniendos; ut ubi D. Papæ præceptum obedienter audirent, in Quindenâ S. Michaelis, & de arduis tam D. Regis quam Papæ negotijs contrectantes, tanquam filij obedientiæ, discrete ac favorabiliter de rebus postulatis & postulandis responderent.* The Archbishop of Cant. was then beyond Sea, and the See of York was vacant. The Bishops after several Days spent in

(a) p. 605. (b) p. 717. (c) Paris p. 786.

Debates, refuse to submit to so intolerable an Execution, and the Legat threatening to suspend and Excommunicate such as would not comply, they Appeal to the Pope, and the Bishop of London orders it to be proclaim'd in London, that no one should execute the Legat's Commands. The K. who took part with the Legat, threatening to have him punish'd by the Pope, the Bishop made this bold Answer: *Let the K. (says he) and the Pope, who are stronger than I, take away my Bishoprick: Tollant Mitram, Galea remanebit. Let 'em take away the Miter, the Helmet will remain.*

A little while after, (a) *omnium Angliæ Prælatorum universitas*, were gather'd together again before *Rustandus*. But after several Days Debate, they alledging, that they could do nothing because there was neither of the Archbishops present, the Council was put off to *Hilary Day* following.

On *Hilary Day* 1255. (b) *Congregati sunt Londini Episcopi Angliæ & ARCHIDIACONI*: and one *Leonard*, who had been their Speaker or Prolocutor in the former Council, was again appointed to be *quasi Cleri advocatus & prolocutor Universitatis*. He speaking in the behalf of the Bishops, when the Legat urged that *all Churches were the Pope's Churches*, answer'd, that it was true, as to *Tuition*, not as to *Fruition* or *Appropriation*; as when we say, that all things are the Prince's, we mean no more, than that they are so *defensione*, non *dispersione*. And that this was the intent of the *Founders*. The *Nuncio* enraged at this true Answer, required every one to speak for himself,

(a) p. 788. (b) p. 790.

that so the K. and Pope might know who were for 'em, and who against 'em. This almost stunn'd and confounded 'em. But still they stood firm in their denial; and the Dean of *S. Pauls* with some others were sent to *Rome*, *pro universitate Ecclesiæ Anglicanæ*.

In the *Quinden* of *Easter* (a), they meet together again to give the *Nuncio* a positive Answer, and tho' by this time some of 'em had been tamper'd with by the *Nuncio*, yet being encouraged by the *Barons*, who sat at the same time in Parliament, the Majority still kept their Ground.

The *Nuncio* after this (b), summons all the Abbots of the *Cistercian Order* before him, and demanded a great Sum of 'em: but they put him off with this Answer, that without the Consent of their *Provincial*, and without a full *Chapter* of their Order, they could not do any such thing.

An. 1257. the same *Nuncio Rustandus* having receiv'd new Powers and Instructions from *Rome*, *Die Dominicâ de Passione publicavit coram ARCHIDIACONIS de singulis Episcopatibus ibi convenientibus, plures literas Apostolicas quas obtinuit ad multa gravia committenda, — Tandem ostendit literam directam Norwicensi Episcopo, & Electo Sarisbiriensi, & Magistro Rostando, ut super dicta decima componant cum Clero. Super quo commune Concilium super hoc resedit, quod DECANI, PRÆLATI, REGULARES, ac ARCHIDIACONI tractabunt cum suis CAPITULIS & CLERICIS super his, ita quod ad mensem post Pascha redeant Londonias per PROCURATO-*

(a) p. 794. (b) *ibid.*

RES instructos ad plene respondendum seu componendum: alioquin idem R. procedet in suis gravaminibus comminatis. (a) *Annales Burton.*

The Church groaning under these intolerable Oppressions, and being ground between two Mill-stones, the K. and the Pope, Boniface Archbishop of Cant (b) *convocavit Episcopos & Archidiaconos Provinciae suae; ut invocata devote Spiritus S. gratia Ecclesiae jam vacillantis Anglicanae, quae novis oppressionibus modernis annis solito gravioribus & intolerabilioribus opprimitur, statui subvenirent, communiter contractantes.* The Archbishop's Mandate for the meeting of this Synod or Convocation, is extant in the *Burton Annals* (c), directed to the Bishop of *Lichfield's* Official (in the vacancy) in which he is required to appear in Person at *London*, on the Octaves of the *Assumption* of the *V. Mary.* i. e. *Aug. 15.* and to summon the *Dean* of *Lichfield*, and the *Prior* of *Coventry*, with all the *Abbots*, and independent *Priors*, and *ARCHDEACONS* of his *Diocefs*. The *Dean* of *Lichfield* and the *Prior* of *Coventry* are required to bring up *Procuratorial Commissions* from their *Chapters*, the *Abbots* and *Convenual Priors* from their *Monasteries*, and the *Archdeacons* from their respective *Clergy*.

It is to be observ'd, that the Mandate is directed not to the Bishop of *London*, and by him to the Bishops as was usually done, but immediately by the Archbishop to the particular Bishops. The Bishop of *Lichfield's* Official having receiv'd the Mandate from the Archbishop, sends it to the *Archdeacons* or their Officials, they to the *Rural Deans*, who call the Clergy together to sign the *Archdeacons Procuratoria*. The Mandate follows.

(a) P. 374. (b) *Paris* p. 815. (c) p. 382.

Adam Eyton Officialis Archidiaconi Staffordiæ,
dilecto sibi in Christo Decano de Thamworth &
Tothesbiri salutem in Domino. Mandatum venerabilis
Patris Domini Coventrensis & Lichefeldensis Epif-
copi suscepi in hæc verba: Viro venerabili Archidiao-
no Staffordiæ vel ejus Officiali, Magister I. de Atle-
berg Officialis venerabilis Patris Covent. & Lich. E-
piscopi salutem. Mandatum Domini Cant. Archiepis-
copi suscepimus in hæc verba. ' B. miseratione divina
' Cant. Arch. totius Angliæ Primas, dilecto sibi in Chr.
' Officiali Covent. & Lich. Diæcesis salutem, gratiam, &
' benedictionem. Cum necessitas imminet & utilitas per-
' suadeat, quod nos & venerabiles Patres Suffraganei
' nostri, una cum alijs Prælati Cant. prov. de commu-
' nibus negotijs Anglicanæ Ecclesiæ tractaturi convenire
' debeamus, discretioni vestræ mandamus, in virtute
' obedientiæ firmiter injungentes quatinus in Octavis As-
' sumptionis B. Mariæ, omni occasione & dilatione
' postpositis, Londonijs personaliter intersitis, ad tract-
' andum nobiscum una cum Coepiscopis nostris, de ne-
' gotijs supradictis. Nihilominus cūctis DECANUM
' Licheteldensis & PRIOREM Coventrensis Cathe-
' dralium Ecclesiarum, necnon ABBATES & alios
' PRIORES qui non subsunt Abbatibus, ARCHIDIA-
' CONOS Lich. & Covent. Diæcesis, in virtute obedientiæ
' præcipiendo, ut prædicti DECANUS & PRIOR di-
' ctarum Cathedralium Ecclesiarum, ABBATES &
' alij Priores cum literis procuratorijs nomine Congrega-
' tionum suarum confectis, ac dicti ARCHIDIACONI
' cum literis similibus factis ex parte Clericorum qui
' subsunt eisdem super ratificatione eorum quæ opitulan-
' te Domino ad honorem Dei prædictæ Ecclesiæ inter
' nos communiter tractabuntur, omnibus alijs prætermis-
' sis, dictis die & loco personaliter debeant interesse.
' Data apud Ortesford, &c. Exemptos vero ad dictos
' diem & locum similiter convocetis. Hujus igitur
auctoritate mandati vobis mandamus quatenus prædictum
man-

mandatum Domini Cant. Archiepiscopi in Archidiaconatu vestro diligenter & efficaciter exequamini. Data die Dom. proxima ante festum B. Jacobi Ap. Anno supradicto.

In the Reasons assign'd by the Archbishop for the calling that Convocation, the Prelats and Clergy are mention'd, as having been present (at least by Representatives) in a late Convocation. *Cum in ultimâ Convocatione, de communi consensu & voluntate PRÆLATORUM & CLERI Londonijs præsentium, & Procuratorum absentium, oblata esset Domino Regi quædam certa summa pecuniæ, scil. lii. M. l. argenti, sub certis conditionibus, ut omnes exactiones, quas gratias vocant, a Domino Papa, Domino Regi concessæ, & per Magistrum Rostandum publicatæ omnino cessent, & talia in futurum, & Ecclesia Anglicana per Dominum Regem suis penitus releveretur; ut Prælati absentes oblationem prædictam duxerint acceptandam, & Rex respondisset super his, se velle deliberare usq; in reditu nunciorum suorum quos ad Franciam dixerat, qui jam noviter redierunt: deliberandum est a CLERO, an expediat mittere ad Dominum Regem ad audiendum responsum suum, an velit accipere dictam oblationem vel non.*

This Convocation of 1257. being called by the Archbishop's bare Authority against the exactions of the King and Pope, who were confederated together, the King forbid the Prelats to obey the Archbishop's Summons, under the forfeiture of all the Lands which they held of Him. The Prohibition may be seen in Pryn's 2 Vol. of Eccles. Jurisd. (a) published out of the Close Roll 21. H. 3. M. 6. Dorso. The pretence the K. makes use of is, that at the time the Convocation was to sit, he had summoned all the Members of it, that ow'd him Military Service, to attend him in his Expedition against the Welsh. Rudborne seems to

(a) p. 890.

have thought, that upon this Prohibition the Convocation broke up. For telling us, that (a) in *Ostavis Assumptionis B. Mariæ fuit Convocatio omnium Prælatorum apud Londoniam coram Bonifacio Cant. Archiepiscopo ad tractandum de statu Anglicanæ Ecclesiæ*: he adds, *sed imperfectum fuit negotium propter guerram Regis in Walliâ*. But if he meant that they did not act at all, he was mistaken. This indeed was another thing proposed to be consider'd in the Convocation, whether the Prelats should act in the Convocation or obey the King's Prohibition: which God forbid, says the Archbishop. *Item cum Dominus Rex prohibuerit Prælati Ecclesiæ, sub forisfacturâ omnium terrarum suarum quas de eo tenent, ne venirent ad hujusmodi Convocationem* AUCTORITATE DOMINI ARCHIEPISCOPI factam, an liceat, & deceat, & expediat tractare in hujusmodi Convocatione de negotijs Ecclesiæ a Prælati; vel potius, quod absit, prohibitioni Regiæ parere, præsertim cum Dominus Archiepiscopus se offerat ad prosequendum causam Ecclesiæ in præmissis & in alijs omnibus in propria personâ, si necesse fuerit, nulliscunq; damnis vel expensis volens parcere, dum tamen Suffraganei & Clerus provincie suæ assistere velit sibi concorditer in defensione injurium prædictorum in consilijs & auxilijs impendendis.

That the Prelats chose rather to obey the Archbishop's summons than the King's Prohibition, and came to the Convocation, and acted in it, appears from the Articles which were then and there drawn up. *Nos Prælati cum Clero* (b). Again, *Concilium Archiepiscopi & omnium Episcoporum super articulis præpositis apud Londonias*. At the close of all: *Et super istis articulis prænotatis fecit Bonifacius Cant. Arch. suorum Suffraganeorum sibi subditorum universorum, PRÆLATORUM pariter & CLERI PROCU-*

(a) Annal. p. 310. (b) p. 387.

RATORUM, Convocationem isto anno apud Londoniam semel & secundo propter gravamina & oppressiones de die in diem per summum Pontificem, & D. Henricum Regem Ecclesiæ Anglicanæ irrogatas.

In which Words it may be observ'd, that the *Proctors of the Clergy* are mentioned as distinct from the *Prelats*, when yet it is certain that they had no *Proctors* there besides the *Archdeacons*, who were *Prelats*, tho' of the lower Order; but they acted there in a double capacity, as *Archdeacons* or *Prelats*, and as *Proctors* of the Clergy.

More than one Convocation was held this Year at London touching these Grievances. *Semel & secundo*, say the *Annals of Burton*. *M. Paris* (a), or rather his *Continuator*, after mention made of Archbishop *Boniface's Convocation*, in the next Page complains that the *Prelats of England* were too compliant in giving the K. 42000 Pounds: This was doubtless the same Contribution with that above mention'd of 42000 Marks. But in the same Convocation, as that Writer tells us, were drawn up about 50. Articles, *ut apto tempore coram Rege, & Magnatibus, & Prælatibus lecti, effectum debitum sortirentur*. Which Articles are extant in the (b) *Liber Additamentorum*, and are different from those of the formention'd Convocation, which are extant in the *Burton Annals*; and these on the contrary are not to be found in the *Liber Addit.*

The next Year, which was 1258. another Convocation was call'd by the Archbishop, against the same Oppressions, at *Merton*: in which another Roll of Grievances was drawn up, which

(a) p. 816. (b) p. 1118.

which may be seen in the (a) *Burton Annals*, and in the (b) *Liber Addit.* tho' the Publisher of that Book did not know to what Synod or Convocation they belong'd. The Persons Summon'd were *Bishops, Deans of Cathedral and other Churches, Abbots, Priors, and all the ARCHDEACONS who were to appear with Procuratoria from the Clergy.* The Mandate runs thus (c),

Rogerus Dei gr. Coventrensis & Lichfeldensis Episcopus dilecto filio Archidiacono Staffordiæ salutem, gratiam, & benedictionem. Mandatum venerabilis Patris B. Dei gr. Cant. Arch. recepimus in hæc verba B. &c. 'Coventrensi & Lichf. Episcopo. &c. Cum propter Ecclesiæ Anglicanæ eventus & causas, quas fraternitatem vestram ignorare non convenit, fratrum nostrorum congregationem videamus opportunam; devotionem vestram rogamus, monemus, & exhortamur in Domino, sub obedientiæ debito firmiter injungentes quatenus die Jovis prox. ante instans festum S. Bernabæ Apost. apud MERTONAM curetis vestram præsentiam exhibere, qualibet occasione cessante: ut in hac urgente necessitate, Ecclesia nostro regimini commissa, per vos & alios fratres nostros gratum habeat providi consilij fulcimentum. Vocetis etiam DECANOS Cathedralium & aliarum Ecclesiarum, necnon etiam ABBATES, PRIORES MAJORES, insuper & ARCHIDIACONOS vestræ Diocesis universos, ut cum LITERIS SUORUM SUBDITORUM PROCURATORIIS loco & die antedictis compareant, ut quod communi deliberatione provisum fuerit, ex membrorum coherentiâ firmitus roboretur. Dat. ap. Lambedam xiii. Kal. Maij A. D. MCCVIII. Hoc igitur mandatum vice nostra

(a) p. 389. (b) p. 1123. (c) *Annal. Burton* p. 388.

diligentius exequamini, ac nihilominus vos ipsi comparatis dictis die & loco cum literis PROCURATORIIIS Cleri totius Archidiaconatus vestri; ut vestri presentia firmitus roboretur, quod ad utilitatem Ecclesiæ Anglicanæ de consilio & assensu vestro contingerit provideri. Dat. vi. Kal. Maij, Pontificatus nostri An. 1.

The Annals add, *Congregatis igitur prædicto die apud MERTON in præsentia Domini B. Cant. Arch. suis Suffraganeis & Prælati Regni Clero (read & Clero) super reformatione status Anglicanæ Ecclesiæ & emendatione provisi sunt isti Articuli subsequentes. In the Articles themselves it is said: De unanimi assensu & consilio Prælatorum, Religiosorum, & totius Cleri Ecclesiæ memoratæ salubriter est provisum ut, &c. At the end of all: Archiepiscopi & Episcopi de consensu & approbatione inferiorum Prælatorum, Capitulorum Cathedralium & Conventualium, necnon universitatis totius Cleri Angliæ, pro reformatione status Ecclesiæ Anglicanæ, & reparatione Ecclesiæ libertatis, hæc prædicta communiter & concorditer providerunt.*

The Synod of Merton is mention'd in a MS. of the Bodl. Library (a). *An. D. 1258. fuit Concilium Bonifacij Arch. & omnium Suffraganeorum suorum ap. Mertune, scil. die Jovis in festo S. Barnabæ Apost. ad quassandam Decimam totius Ecclesiæ Angl. per Alexandrum P. concessam.*

The Lord C.J. Coke in his (b) Comment upon *Articuli Cleri*, tells us, that the Articles of Grievances exhibited by Archbishop Boniface and his Clergy, were exhibited in a Parliament of 51. H. 3. That the Articles themselves either by accident or industry are not to be found (which is an Error) but some, of their Answers are extant; which he

(a) ap. vol. 2. Concil. p. 304. (b) 2 Inst. p. 599, &c.

there recites, *ex fragmento Rotuli Parliamenti 51. H. 3.* In *Paris* and the *Burton Annals*, where the Articles themselves are to be found, there are no Answers recorded: And as for the *Parl. Roll of 51. H. 3.* it must needs be a mistake. For the Articles were exhibited *An. 41. and 42. H. 3.* and one (a) very knowing in these Matters, has assured us, that he could find *no such fragment of any Parliament or other Roll An. 51. H. 3. either in the Tower or elsewhere.*

The same Year, *viz. (b) 1258. convocati fuerunt Prælati Angliæ universaliter, ut OXONIÆ convenientes Anglicanæ Ecclesiæ vacillantis, & multipliciter impulsæ, ne penitus cadat, statum reformarent.*

There came thither 4 Bishops, who were particularly deputed; who called together the *exempt Abbots*, and also the others, and put the question to 'em, whether they would receive *their Statutes*, and universally adhere to 'em and maintain 'em. But because some were absent, and others were doubtful what they ought to do, they could come to no Resolution, and so they broke up. The Author says, that the *Statutes* were written in the *Liber Additamentorum*: But they are not now to be found. There was the same Year at *Oxford* a famous Parliament, perhaps at the same time. Of which in its proper place.

An. 1260. Archbishop *Boniface* held another Council at *LAMBETH*, and there made certain *Constitutions* against Lay-Oppressions; which run in the name of the *Archbishops and the Bishops and Suffragans*, without any mention of any of the

(a) Pryn. Pref. Tom. 3. Eccl. Jurisd (b) Paris p. 836.

inferiour Clergy. *Universis sanctæ Matris Ecclesiæ filijs per Cant. Provinciam constitutis, Bonifacius misericordie divinæ Cant. Arch. totius Angliæ Primas, EJUSQUE SUFFRAGANEI, ad certitudinem præsentium & memoriam futurorum.* So again a little lower, where its likewise intimated, that the Decrees of former Synods were made by the same Authority of the Archbishop and his Suffragans only. *Sane olim attendentes patres & prædecessores nostri Cantuariæ Archiepiscopi, totius Angliæ Primates, & SUFFRAGANEI EORUNDEM, & potissimum temporibus parum retro decursis amicus Dei EDMUNDUS prædecessor noster; — Nosq; — cum Fratribus & Coepiscopis nostris Suffraganeis Cant. Ecclesiæ nostris temporibus ponderantes solícite, &c.* Yet it appears from the last Constitution save one, that besides the Bishops, the Inferior Prelats, and the Proctors of Chapters Cathedral and Conventual, and likewise the Proctors of the Diocesan Clergy were there present, and concurr'd in making the Constitutions: *Prædicta deniq; remedia, tam ad præsentia quam ad futura gravamina se extendunt, præsertim cum sententiæ Excommunicationis de consensu Regis & Magnatum Regni Londini per Prælatos solenniter sunt promulgatæ in transgressores Chartæ omnium Libertatum, ARCHIEPISCOPI & EPISCOPI, de CONSENSU & APPROBATIONE inferiorum Prælatorum, Capitulorum Cathedralium & Conventualium, necnon UNIVERSITAS TOTIUS CLERI Angliæ, pro reformatione status Ecclesiæ Anglicanæ, & reparatione libertatis, hæc prædicta concorditer & communiter ORDINAVERUNT, retentâ sibi potestate addendi, mutandi, & corrigendi, prout viderint expedire.* The Cathedral and Conventual Chapters are to be understood to be present in their Deans, &c. by vertue of their Procuratoria: and the universitas Cleri, or the Diocesan Clergy, are to be understood

flood to be present, and to give their Consents, not in Person, but, according to the usage of that time, by their *Procuratoria* by which they Commission'd the *Archdeacons* to act for 'em.

Archbishop *Peckham* in a Letter writ to his *Proctors* residing at the Court of *Rome* An. 1281. mentions, that the Abbots were present in this Council of *Lambeth*, and not only the *Abbots-not-exempt*, but even the *exempt* themselves; and he brings that as a Precedent to justify his punishing the *Abbots Exempt* who refused to come to his Synods or Convocations. *Cum itaq; nuper fuisset ad nostrum Concilium evocati universi Abbates & Priores Electivi, Exempti & non Exempti Cant. Provinciæ, Exempti ipsi venire ad Concilium, vel procuratores, seu saltem excusatores pro se mittere contempserunt, cum tamen iidem in Concilio de Lambeth dudum a Domino Bonifacio bonæ memoriæ prædecessore nostro celebrato, præsentés personaliter extitissent, &c.*

The *Abbots* and *Priors* who were exempted from the Jurisdiction of the Bishops and Archbishops, and were subject immediately to the Pope, refused to obey the Archbishops Summons and to be present at their Synods, unless it were with a *salvo* to their Privileges. Archbishop *Peckham* sends 'em a peremptory Summons, on the account of certain Ecclesiastical Benefices which were appropriated to their Abbeys and Priories, yet were not *Exempt*. Whether it was on the same score that Archbishop *Boniface* summon'd 'em to his Synods is uncertain. Archbishop *Winchelsea*, *Peckham*'s Successor, never summons 'em peremptorily, but rather desires 'em to come, always with an, *absque aliquali privilegiorum suorum præjudicio, quibus per hoc non intendimus derogare.* But by *Reynolds*, who succeeded him, and so by several others, they are summon'd peremptorily

as well as the other *Abbots*, and *Priors* who had not any such Privilege.

Pryn (a) confounds this Council of *Lambeth*, with those above mention'd, where the Articles of Grievances were drawn up by the Clergy, and so places it *ad An. 1257*. The Bishops in the Preface of these Constitutions complain that they had often represented their Grievances to the K. and to the *Lords* and *Great-men* (in Parliament) yet nothing had been done: *Ipsum frequenter monuimus, & supplicavimus ei, ac supplicari fecimus cum instantiâ satis reverenter: necnon apud Principes & Magnates regni, & Consiliarios quorum moderamine disponuntur negotia regni, &c.* And that the Liberties of the Church, which had been granted a *Regibus, & Principibus, & alijs Regni Magnatibus*, were sacrilegiously violated. The K. himself is order'd by those Constitutions to be punish'd if he contumaciously transgress'd 'em, by having his *Cities, Castles, Boroughs, Villages, and Lands* put under an *Interdict*.

An. 1261. Walter de Reygate being sent into England as the Pope's Nuncio, *fecit summoneri omnes Angliæ PRÆLATOS, ut in Quindend Paschæ coram ipso Londini convenient, & mandatis auditis Papalibus, de responsis salutaribus tractare non omittant.* — *Mense Maij summonitis omnibus Angliæ PRÆLATIS, ut prædictum est, scil. Archiepiscopis, Episcopis, & Abbatibus, tam exemptis quam non exemptis, Prioribus, ARCHIDIACONIS & alijs Ecclesiarum ORDINARIIS, ut scil. auditis D. Papæ mandatis, certis eidem satisfacerent in responsis.* Tho' the Nuncio presided in this Council, yet the Clergy of both Pro-

(a) *Præf. Tom. 3. Eccl. Jurisd.*

vines did not meet together, but at different times and in different places, and so certain Statutes being enacted by the Province of Cant. were agreed to by those of York. *Die Lunæ ante festum S. Dunstani convenerunt omnes Australes Londini coram Archiepiscopo Cant. B. & prædicto fratre Gulielmo, nuntio D. Papæ. Die vero Lunæ subsequente Aquilonares apud BEVERLEY coram Archiepiscopo Ebor. negotium idem exequente; celebratoq; hinc inde Concilio super prædictis Articulis, statuta quædam tunc nova providerunt, hic & ibi, super statum Ecclesiæ Anglicanæ, quæ una cum alijs quondam apud Oxoniam provisæ sanxerunt custodiri, &c. Mat. Westm. ad An.*

Soon after, the Archbishop of Cant. by the Pope's command, and by the advice of his Suffragans, held another Provincial Council at Lambeth, where it was decreed that the Divine Mercy should be implored against the invasions of the Tartars, by Processions, Fastings, and Prayers. Idem.

An. 1263. fuit Convocatio Magna Pontificum & CLERI Angliæ, at Westm. after Trinity Sunday, by the Pope's command, and before his Nuncio's Leonard & Berard, for a Subsidy for the Emp. of Constantinople who had been driven out of his Empire. But both the Clergy and Laity refused to contribute any thing. Mat. Westm. ad An.

An. 1264. a Cardinal being sent as the Pope's Legat to Excommunicate the Barons who were in Arms against the K. and not daring to land, denounced the Sentence against them on the borders of France. But they appeal'd to the Pope himself, or to a general Council. Which Appeal was

afterwards in a Council held at REDING, & ab Episcopis & CLERO approbata & execut. M. Westm. ad An.

An. 1265. some of the Bishops met together at a Parliament held by the Barons at London about the middle of Jan. and made certain Constitutions against the Pope's Power. *In ipso (illo) tunc Parlamento (says Wikes) Pontifices qui convenerant, ediderunt quædam statuta in elusionem potestatis Apostolicæ, quæ eis processu temporis non mediocriter in damnum (cesserunt.)* The Bishops that met there were not above 4 or 5 in number, and the Statutes they made were to hinder the Legats coming into England, as appears by what follows.

Card. Othobon (or Ottobon) being afterwards sent hither on the same Errand, held a Council at NORTHAMPTON in November 1266. (the K. having call'd a Parliament there at the same time) and Excommunicated all the Clergy, the Bishops, &c. that held with Simon Montfort against the K. A M S. Chronicle in the (a) Cottonian Library: *Ad an. 1266. Ottobonus Legatus in Concilio apud Northampton sententiam Excommunicationis tulit in omnes Episcopos & Clericos qui Comiti Symoni contra Regem præstiterunt auxilium aut favorem, & nominatim qui Romam iverunt Papæ gratiam expectantes, eâdem etiam sententiâ innodavit omnes Regi adversantes.* ——— Rishanger, (b) ad an. 1267. tells us partly in the same Words, that *vocato Concilio apud Northampton, &c.* He places it to the beginning of that Year. Hemingford: (c) *Tenuit Rex Parliamentum suum mense Novembri apud NORTHAMPTON, & exheredati sunt omnes qui*

(a) Titus A. 13. (b) Contin. M. Paris p. 858. (c) p. 587.

Comiti Simoni astiterunt, & uxor ejus cum liberis. Tenuitq; ibidem Concilium Othobon Legatus D. Papæ, & excommunicavit omnes Episcopos, qui eidem Comiti Simoni auxilium præstiterant & favorem. Misiq; quosdam eorum ad præsentiam Papæ, pro beneficio Absolutionis obtinendo; publicavitq; quædam statuta, quæ fecerat, & concessionem D. Papæ Clementis, quam fecerat Regi & Reginae, & Decima Anglicanæ Ecclesiæ concessa eisdem per 6 annos sequentes, fiebatq; cito post taxatio Norwicensis per Walterum Norwicensem Episcopum, qui ad hoc onus electus est. Factaq; sunt hæc in an. D. 1266. When Hemingford says, that the Legat publish'd certain Statutes in this Council, he confounds it with another held a Year or two after, which he does not at all mention. Neither does the MS. Chronicle mention any other, but *Rishanger* does. The *Tenth* granted by the Pope to the K. is placed by *Wikes* ad an. 1267. In the MS. Chronicle of the Priory of *Dunstable*, I find this account of the Legats Proceedings on this occasion: An. 1265. circa festum omnium Sanctorum Ottobonus Legatus in Angliam venit, & convocato Parlamento apud Northampton per D. Regem, &c. ——— Eodem tempore infra Quadragesimam fecit Legatus convocari Episcopos, viz. Winton. Lond. Lincoln. Cicestrensem, Londini coram eo ad respondendum quare erant in consilio & auxilio cum Baronibus ad resistendum ne D. Legatus qui anno præcedenti erat in Angliam venturus (veniret) & auditis ipsorum responsionibus statim eis diem in 15m. Paschæ quo comparerent apud Lond. coram eo, quibus comparentibus præfixit eis tempus adeundi Curiam Romanam ut coram D. Papâ se præsentarent, plenius responsuri. Qui quidem Papa tempore suæ Legationis ne in Angliam veniret est repulsus.

An. 1268. Apr. 8. the same Legat held another Council at *S. Pauls* in *London*; in which he publish'd his famous Constitutions. Which in the *Collection* of our Councils, (a) I know not by what Mistake, are placed 20 Years too high, *ad an.* 1246. Anno 1268. (says the *Dunstable MS. Chronicle*) *Ottobonus tunc Legatus D. Papæ præsentibus Episcopis Angliæ & PRÆLATIS, juxta officij sui debitum Concilium celebravit. In quo tranquillitati Ecclesiæ, statui Regni, virisq; Religiosis plura instituit fructuosa* Rudborne and the *Waverley Annals* *ad an. eund. xix. Kal. Maij celebravit D. Legatus Concilium suum London in Ecclesiâ S. Pauli, &c.* The most particular account I have met with of this Council is in *Wikes's Chronicle.* *Ottobonus convocatis UNIVERSIS & SINGULIS Regni PRÆLATIS tam MAJORIBUS quam MINORIBUS, qui QUOCUNQUE PRÆLATIONIS titulo præsidere videbantur, annuente Christianissimo Anglorum Rege Henrico, in Quindenâ Paschæ quæ ipso anno contigit 6. Id. Apr. in Ecclesiâ Catbed. S. Pauli Lond. solenne Concilium cum magnificæ potestatis gloriâ celebravit, &c.* He adds, that having confirm'd the Constitutions of the late Legat *Otto*, he order'd his own new Constitutions to be read in the *Pulpit* in the sight of the *Multitude*, and commanded 'em to be inviolably observ'd; and a Copy of 'em to be delivered to the *Prelats* there present. Some of the Bishops and of the other *Prelats*, being unwilling to have their Jurisdictions diminish'd, as it was like to be by some of those Canons, appeal'd to the Pope. The Legat gave 'em till the next Day to con-

(a) Tom. 2. p. 263.

sider of it, whether the whole Community would prosecute the Appeal, or let it drop. In the mean time he dealt so with 'em by fair Words, that on the Morrow, whether willingly, or for fear, they all fell off. And so the Legat having carried all things according to his desire, *convocatæ Multitudini licentiam tribuit ad propria redeundi*. A Statute made by this Legat to be observ'd by the Monks of *Westm.* is extant in a MS. Chartulary (a) of that Church, entitled: *Statutum Ottoboni Legati editum apud Westm. pro eodem Monasterio in perpetuum tenendum*. But this was made only in a private Visitation of that Church.

All the Prelats, says *Wikes*, as well the lesser as the greater, were present in that Council: *præsentibus universis Prælati Angliæ, Walliæ, Scotiæ, & Hybernæ*, says *Westminster*. And who those Prelats were, the Title it self of the *Constitutions*, as they are publish'd at the end of *Lindwood*, tell us. *Præsentibus Bonifacio Cantuariæ & Waltero Eborum Archiepiscopis, Episcopis, Abbatibus, Prioribus, DECANIS, ARCHIDIACONIS, cum ALIIS DIGNITATIBUS ECCLESIASTICIS*. But who were the *aliæ Dignitates Ecclesiasticæ*? They were the *Officials*, the *Rural Deans*, and the *Dignitaries* of Cathedral Churches, such as *Treasurers, Chantors, and Chancellors*.

All these are reckon'd among the *Inferior Prelats*, which the meer Parochial Clergy or the *Rectors* of Parishes, as such, never were. The greater Prelats are the *Archbishops* and *Bishops*, and all below them are the *Inferior Prelats*. As appears from Archbishop *Boniface's* *Constitutions*:

(a) Cotton. f. 206.

Archiepiscopi & Episcopi, de consensu & approbatione
INFERIORUM PRÆLATORUM *ordinaverunt.* In
 another place cited by † Lyndwood, (out of the
 Articles of Grievances drawn up by the same
 Archbishop in the Synod of (a) Merton) *Cum sæpe*
contingat Archiepiscopos, Episcopos, & alios PRÆFA-
TOS INFERIORES. Where the Gloss has it thus:
INFERIORES. *Utpote Abbates, Priores, Decanos,*
Archidiaconos & alios hujusmodi. A little lower:
 (b) **MAJORES PRÆLATI.** *scil. Archiepiscopi &*
Episcopi.

We are told by the learned Author of the
Rights of Convocations (c), that Lyndwood himself
 observes, That in our Church Constitutions the word
PRÆLATI was often applied to some of the lowest,
 even of the lower Clergy, the **PRESBYTERI PLE-**
BANI, or Rectors of Rural Parishes. But by *Pres-*
byteri Plebani, Lyndwood means not bare Rectors of
 Parishes, but Archpresbyters, or Rural Deans, who,
 to repeat Wikes's Words, *aliquo Prælationis titulo præ-*
siderant. In the Body of the Canon Law (d) the
 Rectors of Parochial Churches, and Prelats are
 expressly distinguish'd from one another. *Ab*
olim siquidem inter PRÆLATOS & RECTORES
sen Sacerdotes ac Clericos parochialium Ecclesiarum, &c.
 The Gloss a little lower observes, that **JO. MON.**
 says, *Rectorem Ecclesiæ non contineri nomine PRÆ-*
LATI, cum supra sit expressus post PRÆLATUM.
 Pope Alexander IV. in his Letter (e) to the Bi-
 shops of England An. 1258. *Archiepiscopis, Episco-*

(a) ap. Annal. Burton p. 389. & Paris Addit. p. 1123. † Lib.
 5. Tit. 25. p. 314. (b) p. 316. (c) p. 15. citing, *De*
Sacr. inter. vel non c. Ignorantia. v. Prælati de Foro
Competenti c. Circumspecte. v. Item si Prælatus. (d) *Cle-*
mentin l. 3. Tit. 7. p. 186. (e) *Annal Burton p. 387.*

pis, Electis, Abbatibus, Prioribus, Conventibus S. Benedicti Cysterciensis, vel cujuslibet alterius Ordinis, Decanis, Archidiaconis, Præpositis, & ALIIS Ecclesiarum PRÆLATIS, & RECTORIBUS, &c. In Archbishop Peckham's (a) Register I find these Words to the same purpose: *Literam patentem* (ab Archiepiscopo) *directam* Archidiacono & Capitulo Ecclesiæ Cathed. Landavensis, Abbatibus, Prioribus, Archidiaconis, Officialibus, Decanis, & CÆTERIS Ecclesiarum PRÆLATIS, ac CLERO & populo Diocesis Landav. So in Islip's Register (b): *Tam idem Archiepiscopus per se, quam sui Suffraganei, & ALII PRÆLATI, & etiam CLERUS* suæ Cant. Prov. Again in a Writ of K. Ed. 2. (c) *Vos & cæteri PRÆLATI, ac CLERUS.* The MS. Chronicle of Dunstable; *Coepiscopis suis, Prælatibus omnibus, atq; Clero:* speaking of the Clergy assembled in Convocation.

That Rural Deans or Archpresbyters were comprehended sometimes in the name of Prelats, is evident from divers Instances. P. Innocent IV. in a Letter to the Clergy of England, 1253. (d) *Ven. fratribus Archiepiscopis, Episcopis, ac dilectis filiis, Abbatibus, Prioribus, Præpositis, Decanis, Archidiaconis, Archipresbyteris, & alijs Ecclesiarum Prælatibus, earumq; Capitulis & Conventibus seu Collegijs, tam exemptis quam non exemptis.* In another (e) — *Archidiaconis Præpositis, Archipresbyteris, & alijs Ecclesiarum PRÆLATIS.*

In the 2d Vol. (f) of our Councils there are *Provincial Constitutions* publish'd by Walter Gray

(a) 133. (b) f. 49. (c) *ibid.* f. 344. (d) *Annal Burton.*
 (e) *M. Paris Addit.* p. 1083. *Vide* p. 1107. (f) p. 290.

Archbishop of York (the same that was present in *Othobons* Legatine Council) in the time of his Visitation.

About these times a Synod was held at *Pertb* in *Scotland*, in the King's presence, where were publish'd certain Provincial Constitutions, *ap-probante Rege & Regni Primoribus*. Hector Boeth. (a)

Convocations in the Reign of Ed. I. under John Peckham and Robert Winchelfsee; Archbishops.

AS our State Councils began to be call'd *Parliaments* in the Reign of *H. 3.* so our Synods seem to have begun about the same time to be call'd *Congregations* or *Convocations*, as our *Parliaments* are sometimes called in this Age.

An. 1279. the Council of *Reding* was held under Archbishop *Peckham*: In whose Register (b) I have met with the Mandate by which it was summon'd. And by that it appears that there were none call'd to it besides *Bishops*.

(a) l. 13. ap. Vol. 2. Syn. p. 304. (b) fol. 10.

Convocatio Concilij Radingiensis

Frater I. permissione div. Cant. Ecclesiæ Minister humilis, ven. in Christo fratri I. eadem gratiâ Episcopo Lond. salutem in veræ salutis auctore. Cupientes & zelo nimio affectantes fratrum & Coepiscoporum nostrorum Suffraganeorum facies desideratas videre, & eorum personali frui colloquio super quibusdam articulis totius Cant. provinciæ, qui & necessitatem important & celeritatem desiderant, vobis in virtute obedientiæ firmiter injungendo mandamus quatinus omnes Coepiscopos & Suffraganeos nostros citari seu evocari peremptorie faciatis, ut iv. Kal. Augusti prox. ventur. apud Reding se coram nobis personaliter repræsentent, tractaturi nobiscum, atq; mandatum nostrum super ipsis Articulis recepturi. Vos quoq; ipsi dictis die & loco unâ cum alijs personaliter accedatis. Et quid super isto mandato nostro feceritis nobis per vestras patentes literas rescribendo certificare nullatenus omittatis. Dat. apud Donar. II Non. Junij A.D. MCCLXXIX. & consecr. nostræ primo.

It is one of the Decrees of that Council of Reding, that at the next Convocation to be held in the time of Parliament, the Mich. following, there should meet besides the Bishops and their Proxies, 2 Proctors at least from the Clergy of each Diocess, who should have authority to treat together with the Bishops of the affairs of the Church. Item præcipimus ut in proximâ Congregatione nostrâ, tempore Parliamenti proximi, post Festum Sancti Michaelis ad tres hebdomadas per Dei Gratiam futurum, præter personas Episcoporum & Procuratores absentium veniant DUO ELECTI ad MINUS a Clero Episcopatum singulorum, qui auctoritatem habeant unâ Nobiscum tractare de his quæ Ecclesiæ communi
utili-

utilitati expediunt Anglicanæ, etiamsi de conturbatione aliquâ, vel expensis, oporteat fieri mentionem. And this is the first time that the Diocesan Clergy appear to have been represented by Proctors of their own chusing. Before this they gave Procuratorial Letters to their *Archdeacons*. Their having never done so before, was the reason why this Constitution was made to empower 'em to do it. And it was made not in general for the future, but only for the next ensuing Convocation. And accordingly in the following Convocations it was sometimes otherwise. But after some time it became a Custom,

The same Year *in Octavis S. Hilarij*, there was a Convocation of Bishops held for the granting a Subsidy. The inferiour Clergy were not summon'd to it, but the Bishops were required by the Archbishop to advise with the Clergy of their respective Dioceses about it, and either to bring up their Resolutions themselves, or if they thought it expedient, to order the Clergy to send up their Resolutions by Proxies of their own.

Fol. 165.

Venerabili in Chr. fratri, &c. Episcopo Lond. &c. Frater I, &c. salutem, &c. Quam sit decens quamq, expediens Clerum nobis commissum Regijs favore & gratiâ consolari docet experientia contrarij nuper præeriti in Ecclesiarum spolijs & gravaminibus prophanis quorum recens memoria perseverat; docet idem evidentia periculi in januis imminenti si quod avertat Deus dissimularet magestas regia quorundam Laicorum pertinacem in bona Ecclesiastica manum mittere, quorum audaciam Illustrissimus Dei gratiâ Rex E. clementie suæ legibus contra hujusmodi editis refrænavit.
Cujus

Cujus circa nos sollicitudini, si ingrati fuerimus, non solum ipsum ad indignationem provocabimus, verum etiam Regem Regum pro ingratitude virio offendemus. Sacro etiam testante eloquio, Magestatem Regiam tenentur omnes subditi gratâ honorificentia prævenire; & illi præcipue qui Regali munificentia concessis olim Ecclesie Christi honoribus confoventur. Cum etiam vilissimi censeantur qui cæteros honore præcellunt, nisi insuper eosdem transcendant etiam obsequijs charitatis: Ac per nobiles & plebeios regni Angliæ dicto Domino Regi fuerit nuper in quodam temporalium subsidio ministratum. Sub cuius regimine nos omnes vivere oportet & gratia comminiri; expedit non solum per orationum suffragia dictum Dominum ad protectionis beneficia excitare, verum etiam corporalibus impendijs & muneribus ejus sumptus innumeros quantum poterimus relevare. Cujus liberalitatis exemplum Archiepiscopus & Episcopus Angliæ cæteris in Clero minoribus præstitisse. Et certe satis est canonicum Ecclesias dotatas patronis indigentibus subvenire. Quapropter vestram imploramus & exhortamur in Domino charitatem, in virtute obedientiæ firmiter injungendo, quatinus convocato quam citius fieri poterit per vos aut vestros Clero vestræ Diocesis, eisdem studeatis ad Dei honorem & pacem Ecclesie studere, ut dicto Regi hoc pro gratitudinis indicio postulanti, studeant elapso tempore decimæ sic affluenter pro viribus subvenire, ut ipse de devotione Clericali merito gaudat, & ad ipsos excitetur favorabilis in posterum sublevandos. Caventes insuper ne obsequij exilitate indignationem magis provocet, quam excitet clementiæ lenitatem. Hujusmodi autem servitij vel subsidij quantitatem per vos aut per Procuratores vestros, vel certe PER PROCURATORES PROPRIOS ad hoc, si impedire videritis, destinandos nobis intimare studeant in Congregatione nostrâ Lond. in Octab. Sancti Martii imminente. Et modus iste in Congregatione vestra provisus extitit proxime præcisa de consilio Episco-

porum ibidem præsentium & procuratorum Episcoporum absentium, mandamus vobis quatinus hanc deliberationem paci Ecclesiæ, ut præagimus non fallaciter, pernecessariam studeatis cæteris Coepiscopis nostris cum celeritate debitâ nunciare. Quid autem super hijs facere decreveritis, & sub qua forma præmissa duxeritis exequenda nobis cum quâ poteritis celeritate per literas vestras patentes harum continentes seriem rescribatis. Valete. Dat. apud Mortelake viii. Id. Nov. Consecr. nostræ an. primo.

In a Mandate (a) dated iii. Non. Novemb. 1280. for the appointing Collectors for a Subsidy granted in a late Convocation, the Clergy are mention'd as having been there present, and several times conven'd before the Archbishop and the rest of the Bishops to consult about that matter. *Frater I. &c. Episcopo Lond. Cum Clerus nostræ Prov. coram nobis & Coepiscopis nostris Cant. Ecclesiæ Suffraganeis varijs temporibus specialiter congregatus concesserit Domino Regi xvam. bonorum suorum secundum taxationem Norwycensem per tres annos solvendam, & per Collectores ab Episcopis ad hoc specialiter deputandos in Festis Purificationis B. Mariæ Virg. & Nativ. B. Johannis Bapt. &c.* From another Mandate which he sent to the several Deans of his own Diocese and Peculiars, for the speedier Collecting the foresaid Subsidy within his Diocese, it may be infer'd that the Clergy of that, and so of the other Dioceses, had met together, before they sent up their Proctors to the Convocation, and had order'd them how much they should give (b) *Cum termini solutionis quintæ decimæ Domino nostro Regi Angliæ illustri a CLERO*

(a) fol. 25. (b) fol. 187.

DIOCESIS liberaliter concessa jam diu sunt transacti, &c.

In the *Rights of Convocations* (a) we are told of a *Synod* held an. 1281. with these Circumstances: The Bishops and their Clergy were summon'd to a *Synod* in *London* by an Injunction from the Archbishop, in which they were commanded also to meet at another Time and Place appointed by the K. and that they might be sure so to do, Letters of Citation are directed (not to the Bishop of *London*, but) to the King himself, to be by him communicated to the several Bishops by Royal Messengers: This odd Precedent, says the Author, we have an account of in the Register of *Peckham*. The same formality, as he supposes, was used in Convening the Clergy of *York* Province, who met about this time at *York*, as appears from a Writ extant in *Pryn* (b), impowring the Bishop of *Carlisle* to collect the Tenth of his Diocese, granted at that Provincial Assembly.

The worthy Author did not consult the Register it self, but followed some imperfect Collections communicated to him. Had he been pleased to turn over that excellent Volume, he would have found the whole Matter to be thus. The Archbishop being in *Devonshire* upon his *Visitation*, had summon'd a *Synod* to meet at *London* 3 Weeks after *Easter*, about the Affairs of the Church. In the mean time the K. being warmly engaged in the *Welsh* War, sends hastily to the Archbishop, requiring him to call a Convocation for his assistance, and desires him

(a) p. 221. (b) *Eccl. Jurisd.* Tom. 3. p. 275.

to write to the Bishops in the most rigid and express Terms, which he himself prescribes. The Archbishop draws up his Mandate according to the King's Directions, and because the Matter required the greatest speed possible, instead of sending to the Bishop of *London* to command him to summon the Bishops, as was usually done, which would have took up longer time, he directs his Mandate immediately to the Bishops themselves, and sends so many Copies to the King himself to be sent about to the Bishops by Messengers of his own. And this he did the rather, partly because he supposed the Bishops were then on the Road towards *London*, and so it would be the longer before the Bishop of *London's* Letters would come to their Hands, and partly because he supposed the K. would write to 'em by the same Messengers, which would quicken 'em the more, and which was almost necessary, since the Archbishop had summon'd 'em before to quite another purpose, and to meet, as it seems, in a different place, and his last Summons contradicted the former. Where this Convocation was to be held is uncertain; but I suppose they were to meet towards the Borders of *Wales*. The Archbishop's Letter to the K. concerning this Matter is in Fol. 99. in these Words.

Excellentissimo Principi, &c. Frater I. &c. cum totius hominis salute reverentiam in omnibus & honorem. Causam suborti periculi in partibus Walliæ nostram non minus quam vestre excellentiæ reputantes, scribimus in forma nobis Dominationis Vestre literis insinuatæ, & rigidius nostræ Provinciæ Episcopis universis, parati in hoc negotio & similibus omnem opem & operam impendere, quam vires nostræ quæcunq; coram Deo

Deo & hominibus sufficiunt exhibere. Et quamvis ea quæ Communitati proficiunt per London. Episcopum nostris soleant Coepiscopis demandari, qui Episcoporum Decanus esse dinoscitur, Nos cum majoris celeritatis processum esse in hac parte necessarium estimantes, Majestati vestræ potius decrevimus ad præsens literas hujusmodi destinare, per imperij vestri nuncios Episcopis assignandas, quos jam a suis sedibus credimus recessisse juxta præfixionem quam eis fecimus ut nobis occurrant London. trium ebdomadarum post Pascha peryodo revoluta, quam vagis nuncijs eosdem requirere, præsertim quia indubitanter credimus ipsos ex jussu vestro mandatis nostris expeditius parituros. Valeat igitur & vigeat Dominatio vestra, pro qua summo Imperatori Domino diu noctuq; assistimus ei preces licet fragiles & indignas, nec dignas memoria, tamen quas possumus in peccatoris Spiritu offerentes. Dat. apud CLYST juxta Exon. Kal. Apr. 1281.

The same Year, 1281. Octob. 7. a Synod was held by Archbishop Peckham at LAMBETH, where divers Constitutions were publish'd, the same Synod, I suppose, that was to have met 3 Weeks after Easter, which had been prevented by the King's requiring that a Convocation should be call'd for the granting him an Ayd. Besides Bishops, there were present the Abbots, Priors, Deans, Archdeacons, and Capitular Proctors, but none for the Diocesan Clergy, as appears from the Mandate (a) Citatory.

Anno eodem apud Slyndon iii. Kal. Augusti emanavit litera sub hac forma. Frater I. &c. Episcopo Lond. &c. Quia pro necessitate Ecclesiæ manifestâ in-

(a) Reg. Peckham f. 175. b.

intendimus Dei ope & gratiâ secundum sacrarum Canonum sanctiones instanti mense Octobri apud Lambeth Concilium celebrare, fraternitati vestræ committimus & in virtute obedientiæ firmiter injungendo mandamus, quâz venerabiles fratres Coepiscopos nostros universos, necnon Abbates. Priores electivos, exemptos & non exemptos, Decanos Cathedralium & Collegiatarum Ecclesiarum, ARCHIDIACONOS & CAPITULORUM PROCURATORES, citetis peremptorie per vos & per alios, quod septimâ die dicti Mensis coram nobis apud Lambeth personaliter sint præsentés Concilium ibidem secundum sacros Canones celebraturi nobiscum, facturi & recepturi, quod ipsum sacrum Concilium duxerit ordinandum. Denunciantes eisdem quod contra absentes in forma Canonica procedemus. Nec debilitatis excusationem sufficere reputamus illorum, qui per maneria sua juxta Dioceses suas & extra & ad alia loca per Cant. provinciam se faciunt pro familiaribus negotijs in quibuscunq; vehiculis deportari. Mandantes insuper singulis Episcopis, quod secum deferant in scriptis nomina omnium in formâ prædictâ de suis Diocesibus ad Concilium vocatorum. Denuncietis etiam cæteris omnibus, qui sentiunt se gravatos, quod in casibus illis quorum correctionem ad Concilium noscitur pertinere, audientia per Dei gratiam eis in formâ debitâ concedetur. Vos autem prædictis die & loco in forma prædictâ comparentes comite sanitate certificetis nos per patentes vestras literas, quid feceritis de præmissis. Valete in Christo & Virgine gloriosâ. Dat. apud Slyn-don iii. Kal. Augusti, anno Consecr. nostræ tertio.

That there were no Proctors of the Diocesan Clergy in that Synod, distinct from the Archdeacons, appears moreover from another Mandate directed by the Archbishop a little while

while after to the Bishop of London: (a) He there says that he had summon'd all the *INFERIOR PRELATS*, who, by the Canons, were to be summoned to Councils: But I have never yet met with any such Canon as speaks of that matter. *Celebranti nuper, ut scitis, apud Lamehe Provinciale Concilium cum Coepiscoporum nostrorum venerando Collegio, universos nostra Prov. Prælatos inferiores, quos Conciliorum tractatibus interesse jubent sacri Canones, vocandos decrevimus: ac inter cæteros religiosa sanctimonie personas præcipuas, Abbates scil. ac Priores non solum Episcopali gradui subjectos juxta ordinem Ecclesie Hierarchiæ, verum etiam alios ab Episcopali obedientiâ exemptos, &c.* This Mandate is to require the Bishop of London to punish the Exempt Abbots for refusing to come to the Council upon his Summons, by sequestering all the non exempt Churches in his Diocese, which belong'd to those Abbies, and on the account of which they had been summon'd. 'Tis to be seen at large not only in the Register, but also in Print in *Mat. of Westm.* ad an. 1281. as also in a *MS. Chronicle* in *Lambeth Library*: *Post festum S. Michaelis, Frater Johannes de Pecham, Arch. Cant. apud Lambethe Provinciale Concilium celebravit, qui contra Exemptos, ibidem venire nolentes, libellum famosum edidit sub hac formâ. &c.*

There is to be seen in his Register (b) a Relaxation of the Sequestration which he had laid in *bonis pertinentibus ad monasterium de Lewes ubicunq; per nostram Prov. Cant. existant pro eo quod Prior & Conventus loci ejusdem nuper in Concilio apud Lameheth per nos celebrato non comparuerunt.*

(a) Ibid. f. 59. (b) f. 59.

In the Preface to the *Constitutions* the Archbishop says: *sperantes ad hoc nos posse proficere cum Fratrum ac Episcoporum nostrorum, ac cæterorum nostræ Provinciæ PRÆLATORUM assistentiâ efficaci, de prudentum virorum consilio hoc sacrum Concilium mandavimus convocari.*

The Synod beginning to sit, the K. sent 'em the 2 following *Prohibitions*, requiring him not to do any thing in prejudice to his Crown and Dignity.

Fol. 101. b.

Edwardus, &c. *Venerabilibus in Christo Patribus I. Dei gr. Cant. Archiepiscopo totius Angliæ Primati, & omnibus Episcopis & alijs Prælati in instanti Concilio apud Lameth celebrando conventuris salutem. Mandamus vobis quod sicut Baronias vestras quas de nobis tenetis diligitis, nullo modo Concilium de aliquibus quæ ad Coronam nostram pertinent, vel quæ personam nostram vel statum nostrum, vel statum Concilij nostri contingunt, tenere, seu aliquid contra coronam & dignitatem nostram in eodem statuere præsumatis. Scituri pro certo, quod si feceritis, nos ad Baronias vestras graviter capiemus. T. M. apud Lindhuist xxviii. die Sept. an. r. n. nono.*

Edw. &c. *Ven. in Ch. patribus I. &c. & omnibus Episcopis & alijs Prælati in instanti Concil. apud Lameth, &c. Vinculo juramenti nobis estis, ut nostis, astricti, quo nobis in omnibus ad Coronam & Regiam dignitatem nostram spectantibus, omnem quam poteritis fidelitatem observare debetis. Quapropter vobis mandamus. in fide & fidelitate quibus nobis tenemini firmiter injungentes, quod tam ad conservationem quam ad defensionem jurium nostrorum & regni nostri omnem quam poteritis diligentiam adhibere curetis. Et vobis omnibus & singulis sub vinculo juramenti memorati, &*
sub

sub pœnâ amissionis temporalium quæ de nobis tenetis, firmiter inhibemus, ne in præjudicium nostri vel ejusdem Regni in dicto Concilio contra nos vel jura nostra quibus Prædecessores nostri Reges Angliæ & nos ex antiquâ & approbatâ consuetudine usi fuimus procurare vel attemptare aliquid præsumatis, vel etiam alicui hujusmodi procurare, attemptare, seu statuere volenti assensum præbeat. Sed taliter vos habeatis in hac parte quod vos debeamus potius specialiter commendare, quam de contrarijs quod absit increpare. T. M. &c. ut supra.

The same Year the Bishops were all summoned by the Archbishop's Mandate, which is extant (a) in the Register, to meet at the New Temple in London, after Candlemas, to proceed in a Matter touching the Deliverance of *Almaricus de Monteforti* out of Custody, about which *P. Martin* had writ to the Archbishop. The Mandate issued out to the Bishops of *Lond.* for the summoning of the Bishops, is called by the Registry (b) *litera CONVOCATIONIS pro libertate Almarici de Monteforti.*

An. 1282, Regni xi. the Bishops, Abbots, Priors and other *Prefects of Religious Houses*, together with the *Proctors of Deans, and of Chapters of Collegiate Churches* (without any mention of *Archdeacons* or the *Parochial Clergy*) were summoned by a *Provincial Writ* directed to the Archbishop, to meet at *NORTHAMPTON* on the *Octaves of Hilary*, before the *K.* or his Commissioners, (for the granting of a Subsidy). The Archbishop having re-

(a) f. 64. b. Vide etiam f. 78. b. 79. 98. b. 99. b. (b) f. 142.

ceiv'd the King's Writ, sends it in a Mandat^e to the Bishop of London, tho' not without some Regret. Which I have already produced in another place, together with another Writ directed by the K. to all the Clergy that were summon'd thither, constituting Commissioners, before whom, instead of Himself, they were to appear (in Parliament) That by the *Procuratores Decanorum*, &c. were meant the *Deans* themselves, tho' it be not well exprest, I have already observ'd.

The Assembly being conven'd for a Subsidy, and the Proctors of the *Diocesan* Clergy being not summon'd, it was lookt upon to be irregular, and there was nothing done. It was therefore agreed that the Archbishop should issue out a new Mandate for a *Convocation* to meet at the *New Temple* in London, the *Easter* following. In that Mandate the Archbishop says that they could not answer the King's Desires in their CONGREGATION at Northampton, because of the absence of the greatest part of the Clergy, who at that time had not been called in DUE MANNER.

In the same Mandate its observable, that the Bishops are required to call together the Clergy of their respective Dioceses, and to communicate to them the business about which they were to meet in Convocation. And after the Clergy in the respective Dioceses had debated upon it, they were to appoint 2 of their Body to go up to the Convocation to give in their Resolutions.

Ibid f. 83. b.

Frater I. &c. Episcopo Lond. &c. Quoniam in congregatione ad instantiam Domini Regis habitâ Northamptoniæ in octabis S. Hilarii nuncijs ejusdem Domini Regis super quibusdam nobis & Suffraganeis nostris

noſtris ac Clero præſenti ibidem ex parte ipſius expoſitis
tum propter abſentiam maximæ partis cleri tunc tem-
poris **MODO DEBITO** non vocati, tum propter alia
diverſa ad plenum non potuit reſponderi, de communi
omnium tunc præſentium conſilio extitit ordinatum, ut
noſtis, quod Clerus totus Cant. Provinciæ ad certos diem
& locum pro dandâ reſponſione huiusmodi congregetur.
Quocirca fraternitati veſtræ tenore præſentium præci-
piendo mandamus quatinus confratres noſtros Episcopus
Cant. Eccleſiæ ſuffraganeos omnes & ſingulos, necnon
Abbates, Priores, ac alios quoscuq, domibus religioſis
præfectos, Exemptos & non exemptos, Decanos Eccleſia-
rum Cathedralium & Collegiatarum, ac Archidiaconos
universos per Cant. Provinciam conſtitutos citetis vel
citari faciatis peremptorie quod compareant coram nobis
per ſe vel per Procuratores ſufficienter inſtructos ſen
convenient apud Novum Templum London. a die
Paſch. in tres ſeptimanas ſuper hijs quæ ex parte Do-
mini Regis in **CONGREGATIONE** prædictâ expoſita
fuerant tractaturi ac ulterius facturi quod Dominus in-
ſpirabit, Singuli inſuper Episcopi ſicut in dictâ **CON-
GREGATIONE** proviſum fuerat, circa diem prædictum
Clerum ſuæ diœceſis in aliquo loco certo congregari fa-
ciant, & eadem quæ ex parte Regis nobis propoſita fu-
erant, diligenter exponi procurent: ita quod ad dictos
diem & locum London. de qualibet Diœceſi duo Pro-
curatores nomine Cleri & de ſingulis Capitulis Eccleſi-
arum Cathedralium & Collegiatarum ſinguli Procura-
tores ſufficienter inſtructi mittantur qui plenam & ex-
preſſam poteſtatem habeant una nobiſcum & confrat-
ribus ſuper præmiſſis tractandi & conſentiendi hijs quæ
ibidem ad honorem Eccleſiæ conſolationem Domini Re-
gis & pacem Regni Cleri communitas providebit. De
nominibus vero Abbatum, Priorum, & aliorum Religi-
oſorum, Decanorum, Archidiaconorum, Procuratorum
tam Cleri cujuſlibet Diœceſis, quam Capitulorum ſinguli
Episcopi pro ſuis Diœceſibus ad dictos diem & locum
per

per suas literas distincte nos certificent & aperte. Vos autem quos tunc præsentes adesse volumus, nobis rescribatis per vestras literas patentes harum seriem continentes qualiter præsens mandatum nostrum fueritis executi. Dat. Northamptoniæ xii. Kal. Febr. A. D. M. CC. octogesimo secundo.

In this Convocation were present 3. Commissioners from the King, the same that had been present in the Parliament of Northampton; sent to 'em with this Writ: (a) *Rex ven. Patribus, Episcopis, Abbatibus, Prioribus, Decanis, Capitulis Ecclesiarum Cathed. & Collegiat. de Prov. Cant. & eorum Procuratoribus, ac toti Communitati Cleri Provinciae ejusdem ad instantes 3. septimanas Paschæ London. conventuris salutem. Dilectos & fideles nostros Edmundum Comitem Cornubiæ, Abbatem Westm. Thesaurarium nostrum, & Johannem de Kirkeby Archidiaconum Covent. pro negotio nostro vobis per ipsos nuper apud NORTHAMP. ex parte nostrâ exposito prosequendo ad vos duximus destinandos, vos effectuose rogantes quatinus prædictis Comiti, Abbati, & Johanni vel duobus ipsorum quos præsentes esse contigerit, in hijs quæ vobis circa præmissa ex parte nostrâ referent vivâ voce adhibeatis firmam fidem. In cujus, &c. apud Aberconwey in Snaudon 18. Apr.*

A Convocation at Mich. 1283. The Bishops required, as above, to consult before hand with the Clergy of their respective Dioceses about the granting of a Subsidy.

(a) Rot. Walliæ xi. E. 1. M. 2. ed. ap. Pryn Eccl. Jurisd. Tom. 3. p. 303.

Fol. 87. Reg. Peckham.

Frater I. ——— Lond. Episcopo ——— Quia nonnulla nobis occurrunt pro utilitate communi in proximâ nostrâ congregatione London. pertractandâ quæ sine Fratrum & Coepiscoporum præsentia personali nequeunt feliciter expediri, Fraternitati vestræ tenore præsentium committimus & firmiter injungendo mandamus, quatinus prædictos fratres & Coepiscopos omnes & singulos citetis peremptorie quod ad tres septimanas post festum S. Michaelis proxime venturum apud Novum Templum London. suam nobis exhibeant præsentiam, nobiscum super hijs quæ ad Dei & Ecclesiæ sue cedunt honorem & gloriam tractaturi, exequentes nibilominus quod nobis tam de ipsorum Fratrum convocatione quam Cleri nostræ Provinciæ, seu PROCURATORUM SUORUM alias duximus nostris literis demandanda. Et quia prædictum Clerum seu IPSIUS PROCURATORES nolumus inanibus & supervacuis vexari laboribus nec nostrum etiam in hac parte conatum inutilem reputari, præcipimus & mandamus tenore præsentium, interim ut singuli Episcopi nostræ Provinciæ Clerum sibi subjectum in aliquo certo loco convocari faciant, ad tractandum super ultimâ petitione Domini Regis factâ London. in ultimâ Congregatione nostrâ de liberali subsidio sibi à Clero parando, ut in dictâ Congregatione nostrâ (fiat) inde per ipsius Cleri Procuratores responsio sine dilationis tedio longioris. Vos insuper eadem in vestrâ Diocesi facientes, præfatæ Congregationi personaliter interfitis; certificantes nos per vestras patentes literas harum seriem continentes, qualiter tam primum quam præsens mandatum nostrum in hac parte fueritis executi, hoc idem & cæteris Coepiscopis nostris & Fratribus nostris injungentes. Valete. Dat. apud Aldington viii. Id. Augusti A. D. MCCLXXXIII. Ordinationis nostræ quinto.

There

There is another (a) Mandate relating to this Convocation, in which there is mention made of a Convocation held a little before (but after that of Northampton) at *Lambeth*, about the same Business. In that Mandate it is said that the Clergy had on the last Day of the Convocation of *Lambeth* requested the Archbishop to give 'em longer time to deliberate about the King's Demands, because their Procuratorial Letters had limited 'em, and had not given 'em power to consent to what he desired.

Fol. 85.

Frater I. &c. Lond. Episcopo — Satis memoriam vestram credimus recensere qualiter nuper ultimâ die congregationis nostræ apud LAMETH procuratores Cleri Provinciæ nostræ post datam eorum responsionem in scriptis super petitione Domini Regis factâ Northamptoniæ de decima triennali nobis & confratribus nostris extitit supplicatum, ut novas eis concederemus inducias ad tractandum & deliberandum super secundam petitionem Domini Regis de concedendo sibi à Clero pro utilitate publicâ aliquo subsidio liberali: præsertim cum super ipsâ petitione quæ nova fuit prius non tractaverant, nec se ad hoc eorum potestas quæ limitata fuerat extendebat. Nos autem eorum justis & rationabilibus in hac parte petitionibus annuentes de vestro & aliorum confratrum nostrorum ibidem præsentium consilio vivâ voce præcepimus & injunximus, sicut scitis, ut vos & singuli fratrum eorundem Abbates, Priores, ac alios quoscunq; domibus Religiosis Præfectos, exemptos & non exemptos, Decanos Ecclesiarum Cathedralium & Collegiatarum, Archidiaconos etiam omnes in suis diœcesibus constitutos citetis & citent, vel citari faciant peremptoriè, quod compareant seu convenient coram nobis per se vel Procuratores sufficienter instructos apud Novum Templum Lond.

à diē

die S. Michaelis proxime venturo in tres septimanas super dictâ petitione ultimâ factâ ex parte Domini Regis responsuri & facturi ulterius quod Altissimus inspirabit. Et ut in præmissis expeditius & commodius procedatur, volumus & mandamus ut de singulis Diæcesibus nostræ Provinciæ duo Procuratores nomine Cleri & de singulis Capiulis Ecclesiarum Cathedralium & Collegiatarum singuli Procuratores sufficienter instructi mittantur prout alias extitit demandatum. Quia vero nonnulli Fratrum & Coepiscoporum nostrorum in (ex) præfatis præcepto & injunctiōe nostrâ non fuere præsentēs, fraternitati vestræ committimus & firmiter injungendo mandamus quatinus omnibus & singulis Coepiscopis & Suffraganeis nostris ibidem tunc absentibus præscripta omnia & singula faciatis per vestras patentes literas harum continentes seriem nunciari, ut ea fideliter in suis Diæcesibus exequantur. Vos insuper & cæteri omnes Coepiscopi nostri prædicti, dictis die & loco præsentēs sitis & conveniatis nobiscum super hijs & alijs quæ honorem Dei & animarum salutem respiciunt tractaturi. Qualiter autem præmissa fueritis executi nobis dicto die vestris patentibus literis harum seriem continentibus fideliter intimetis. Valete.

In a Letter to the Bishop of Lincoln, writ viii. Kal. Dec. 1284. on behalf of the University of Oxford, whose Chancellor that Bishop pretended to nominate, the Archbishop desires him to defer the matter to the Synod of Bishops, which was to meet after Easter following (a), Saltem differre usq; ad Congregationem Fratrum proxime futuram post Pascha Domino concedente, quando circa hoc de Fratrum ipsorum consilio quod magis expedire videbitur poteritis securius exercere.

(a) f. 93. b.

In the MS. Chronicle of *Dunstable* I find the *London* Convocation of this Year mentioned; and that the Clergy there refused to comply with the King's Desire. *An. 1283. nomine D. Regis petita est à Clero subsidium* ——— *Archiepiscopus Cant. habuit super hoc tractatum Lond. cum Coepiscopis suis, PRÆLATIS OMNIBUS, atq; CLERO; ubi à PROCURATORIBUS TOTIUS CLERI fuit manifeste contributioni hujusmodi contradictum, &c.* The Reasons are there recorded. But afterwards in the same Year, as the same Chronicle shews, they granted it.

An. 1286. Archbishop *Peckham* by his own Authority published a Constitution declaring such and such Points to be *Heresies*, and Excommunicating such as maintained 'em.

Fol. 120;

In nomine Domini Amen. Anno ejusdem Millesimo ducentesimo octogesimo sexto, Indictione quarta decimâ, ultimâ die mensis Aprilis, Reverendus in Ch. Pater Dominus Joh. D. G. Cant. Arch. totius Angliæ Primas pro tribunali sedens in Eccl. B. Mariæ de Arcubus Lond. assidentibus ei venerab. Patribus Dominis Olivero Lincoln. Godefrido Wygorn. & Ricardo Hereford. Episcopis, præsentibus etiam venerab. viris Magistris Gilberto de Sancto Leofardo Officiali Curiae Cant. Herveo de Saham Cancellario Univers. Oxon. Petro de S. Marco (vel Maria) Archidiacono Surreye, Henrico de Naffington Officiali Lincoln. Rogero de Sevenak Offic. Hereford. Roberto de Lascy Juris Civilis professore, Jacobo de Moun, & alijs pluribus solemnibus & venerab. personis in multitudine copiosâ, infrascriptos errores quos de novo audierat in suâ Provinciâ suscitatos

citatos tanquam Hæreses declaravit, & pronunciavit esse dampnatas in scriptis proferens sub hac formâ.

Hi sunt articuli noviter divulgati quos inter Hæreses dampnatas in se vel in suis similibus numerandos esse credimus, & Hæreticos esse censemus, pertinaces eorum omnium & cujuslibet defensores tanquam falsarum & novarum Opinionum causâ manis gloriæ sectatores.

Primus Articulus est ——— But I find they are publish'd already in the (a) 2d Vol. of our Councils. I shall therefore only observe that he sent 'em to the *Archdeacon* of *Cant.* to be entred in some *Missal*, or some such like Book, in every Church of his Diocese, and likewise to all the *Peculiars* under his Jurisdiction. I do not find that he sent 'em to the several Dioceses of his Province. And therefore it is to be lookt upon rather as an *Episcopal* Act than a *Metropolitanical* one. Yet in the *MS. Chronicle of Dunstaple* (the Compiler of which lived at the same time) where I find the same Articles recorded, it seems to be intimated that the Decree extended to the whole Province, but then withal it is intimated, that all the Bishops were concern'd in it. *Apr. 1286. Die Paschæ in 15. dies coram Fratre I. Cant. Arch. & CO-EPISCOPIS SUIS recitati sunt quidam Articuli Hæresin continentés, quorum tenor talis est, &c.*

The learned Author of the *Rights of Convocations* (b), from a certain Collection out of *Peckham's Register*, which he made use of, mentions a Convocation *An. 1290.* to which were summon'd, not two only, but *duo VEL TRES Procuratores* out of every Diocese; as the same Year (c) there

(a) p. 347. (b) p. 39. (c) Brady Introd. p. 149.

were summon'd to Parliament, not 2 Knights only for every Shire, but *duo VEL TRES de discretioribus Militibus*. If there be any such thing in that Register, I have (I know not how) overlookt it, tho' I have very diligently turned over that antient and very valuable Volume no less than 2 several times, that so nothing relating to this Argument might escape me: And once I have lookt it over on purpose to find out that Place, but was not so lucky as to light upon it.

That there was a Convocation held this Year at *Ely*, about *Mich.* is certain, and there is extant in the Register (a) of *Henry de Estre*, Prior of *Cant.* (now in the hands of the Lord Bishop of *Norwich*) a *Procuratorium* directed to the Archbishop in that Assembly, by which the Proctors sent thither are empower'd *ad tractandum nobiscum & alijs venerabilibus Patribus Suffraganeis Provinciae Cant. ac etiam totius Cleri Procuratoribus in Civitate Eliensi, super his quæ Dei honorem & publicam utilitatem respiciunt, & ad consentiendum hijs quæ ibidem ad pacem & consolationem Ecclesiæ, Dominiq; Regis & Angliæ Cleri communitas inspirante Deo providebit.* A Parliament being held at the same time with this Convocation, tho' at another place, *viz.* at *CLIPSTON*, the worthy Author (b) above mention'd is pleas'd to call this a *Parliamentary Synod*, and the first part of those Words of the *Procuratorium* refer, as he thinks, to this Assembly as a Synod of the Province; and the Latter, as a Convention of the Clergy, held for State-ends in time of Parliament. I beg his leave to explain the Matter otherwise: By the latter part, the *Procuratorium*

(a) f. 146. (b) p. 318.

seems to mean no more than the granting the K. a Subsidy, which was the Business of most Convocations, and particularly of that. From *Wikes* (a) we learn, that this Convocation was held at the Consecration of *William* Bishop of *Ely*, who was Consecrated, says he, by the Archbishop, *Octob. 1. presentibus & assistentibus pluribus Regni Pontificibus & alijs Ecclesiarum Prælatiis, &c.*

That there was a Subsidy then granted by the Clergy, as in the Parliament by the Laity, the same *Annalist* shews: For he tells us that about *Michaelmas* the K. issued out his Edict for the levying a *Fifteenth* upon the whole Kingdom as well the Clergy as the Laity. He seems indeed to intimate that he did it by his own Authority. But 'twas doubtless granted in those Assemblies.

An. 1295. 1d. Julij a Synod was held by Archbishop *Winchelsea*, to which only Bishops were summon'd, and yet there were certain Constitutions there made and publish'd, as *Matthew of Westm.* who lived at that time, and out of him a *MS. Chronicle* assures us: *Anno gratiæ 1295. Robertus Metropol. Cant. jam de Curia Romanâ regressus, in Octavis Apostolorum Petri & Pauli (i.e. July 6.) convocatis QUIBUSDAM SUFFRAGANEIS SUIS in Ecclesiâ S. Pauli London. super Ecclesiæ libertatibus, & consuetudinibus tractatum tenuit specialem, & tanquam verus opilio, repagula & mœnia circa parietinarum seu materialium ruinas, ædificare satagens Constitutiones quasdam a sanctis Patribus approbatas, sed per mercenariorum incuriam à vi propria vacillantes, in medium legitime revocavit. Necnon &*

(a) ad an. 1290.

alias ordinationes prioribus adnectens, propter gregis tuitionem, decrevit inviolabiliter observari. It is not from this Authority that I conclude there was none besides Bishops in that Synod: For the same Writer *ad An. 1297.* says in like manner of the Convocation then call'd: *Congregatis Archipræsule Cant. & QUIBUSDAM ALIIS COEPISCOPIIS SUFFRAGANEIS SUIS apud S. Paulum, &c.* and yet we are sure that in that Convocation the *Diocesan* Clergy were present. But that by which I am convinced, that there were none but Bishops summon'd, is the Authority of the Mandate Citatory, still extant in that Archbishop's Register (a).

Robertus, &c. Lond. Episcopo: *Emergentium nuper necessitas nos inducit Confratres & COEPISCOPOS nostros celerius quam in mente Concepimus aut juxta qualitatem temporis opportunum existeret convocare. Tantâ igitur necessitate compulsi fraternitati vestræ committimus & mandamus quatinus cum celeritate quâ fieri, poterit opportune omnes & singulos Coepiscopos & Suffraganeos nostræ Provinciæ convocari ac citari peremptorie faciatis ut omni evitabili qualicunq; excusatione postpositâ, quæ si prætensa extiterit nullatenus admittatur, Idus Julij apud † Novum Templum Lond. ad tractandum nobiscum dicto die & diebus sequentibus proximis quamdiu opportunum extiterit super Articulis arduis, statum totius Ecclesiæ Provinciæ antedictæ & omnium personarum Ecclesiasticarum ejusdem tangentibus in virtute sanctæ obedientiæ quam nobis & Ecclesiæ nostræ Cant. exhibere juramento præstito personaliter sunt professi, & sub pœnâ districtiōis Canoniciæ suam*

(a) Reg. *Winchelsea* f. 168. b. † It was adjourn'd, it seems to S. Paul's.

exhibeant præsentiam personalem Vos etiam eisdem die & loco personaliter ad id idem postpositis alijs interfutis. De die vera receptionis præsentium & quid inde feceritis nos dictis die & loco vestris patentibus literis harum tenorem habentibus curetis reddere certiores. Dat. apud Oteford 4 Non. Junij 1295. Consec. nostræ I.

An. 1296. on Hilary Day at S. Paul's was held that famous Convocation, in which the K. having demanded an Ayd of the Clergy, it was denied him, in obedience to a Constitution lately publish'd by the Pope, forbidding the Clergy to contribute any thing belonging to the Church for the use of any Secular Prince. For which the Clergy were put out of the King's protection. To this Convocation were summon'd all manner of Prelats, CHANTERS, CHANCELLORS, and TREASURERS of Cathedral Churches, and others. The Mandate follows (a):

Robertus, &c. Lond. Episcopo — mandamus quatinus — omnes & singulos Coepiscopos & Suffraganeos nostros — convocando citetis, seu citari peremptorie faciatis, ut cessante legitimo impedimento, quod si prætersum fuerit coram nobis nisi tunc legitime doctum fuerit de eodem, nullatenus admittetur, die S. Hilarij proximo subsequente apud S. Paulum Lond. ad tractandum & ordinandum nobiscum — qualiter pro tuitione universalis Ecclesiæ Anglicanæ, cui non tam in temporalibus quam in spiritualibus unâ cum Regno, Clero ejusdem & cæteris regnicolis periculum grande nimis (ut prædiximus) dignoscitur imminere, in necessitatum seu periculorum hujusmodi articulis, quantum ad nos & alios viros Ecclesiasticos licite pertinet, sa-

(a) Ibid. f. 204. b.

lubriter provideri valeat, suam exhibeant præsentiam personalem, in virtute suæ obedientiæ, quâ nobis & Ecclesiæ nostræ Cant. juxta suæ professionis seriem juramento personaliter præstito sunt astricti, necnon sub pœna districtiōis Canonice, cujus rigorem exercere dante Deo disponimus contra Convocationis seu citationis eorundem totaliter contempnentes, aut etiam quæsitis coloribus sese frustratorie excusantes. Electos quoque confirmatos præsentem, necnon absentium Episcoporum vel ELECTORUM VICARIOS, seu Procuratores ad dictos diem & locum sub pœnâ consimili & in formâ prædictâ citetis, aut citari peremptorie faciatis. Denunciantes nihilominus præfatis Episcopis, Electis præsentibus, & tam Episcoporum quam Electorum absentium Vicariis & eisdem auctoritate nostrâ districtius injungentes, quatinus quilibet in suâ seu sibi commissâ Diœcesi citet aut citari faciat peremptorie omnes Decanos, PRÆCENTORES, CANCELLARIOS, THESAURARIOS, Archidiaconos & Priores Cathedralium Ecclesiarum, necnon Abbates non Exemptos, ac etiam omnes Priores, Decanos, Præpositos, Magistros Conventualium & Collegiatarum Ecclesiarum, & ALIOS UNIVERSOS IN DIGNITATE CONSTITUTOS QUOCUNQUE NOMINE CENSEANTUR. Capitula quoque omnium prædictorum & Clerum; ut viz. Decani, Præcentores, Cancellarij, Thesaurarij, Archidiaconi, & Abbates non exempti, Priores, Præpositi, Magistri, & alij in dignitate (ut præmittitur) constituti, personaliter; singula verò Capitula hujusmodi tam secularium quam Religiosorum prædictorum per unum, Clerus autem cujuslibet diœcesis per duos Procuratores, ad tractandum, ordinandum nobiscum, & tractatibus ordinationibusq; in præmissis & circa præmissa, seu occasione præmissorum faciendis, ac omnibus tractatus & ordinationes hujusmodi contingentibus nomine Dominorum suorum consentiendum plenam & sufficientem, ac specialem potestatem habentes, dictis die & loco con-

veniant, seu compareant eodem die & sequentibus opportunis unâ nobiscum facturi quod superius memoratur, sub pœnâ Excommunicationis majoris & interdicti, quæ merito poterunt formidare, qui in formâ prænotatâ contumaciter omiserint seu contempserint comparere, & quæ contra eosdem qui sic comparere detrectaverint sine delectu personarum intendimus executioni debitæ demandare. Denuncietis insuper Episcopis, Electis, & Vicarijs singulis supradiçtis, quod in suis Diœcesibus omnibus exemptis cujuscunq; fuerint conditionis, ordinis, seu professionis notificent manifeste, ut præfatis die & loco absq; aliquali privilegiorum suorum præjudicio, quibus per hoc non intendimus derogare, unâ nobiscum sufficienter intersint facturi in præmissis & ea contingentibus prout superius est expressum, cum commune sit periculum, & per consequens communibus absq; cujusc; fori privilegio remedijs congruis devitandum. Et quod omnes tangit idcirco debet ab omnibus approbari, &c. Dat. apud Bocking 5. Kal. Decemb. 1296. Consecr. nostræ 2.

The Clergy being put out of the King's Protection, the Archbishop summoned another Convocation to meet on Midlent Sunday at S. Pauls. In which this is very observable, that only one for the Clergy of each Diocese is summoned.

Fol. 211.

Robertus, &c. Episcopo Lond. — mandamus quatinus citetis — omnes Coepiscopos — & per eosdem — Decanos Cathedralium Eccles. in quibus sunt Canonici seculares, aliarum verò Cathedralium Eccles. Priores; de cæterisq; Monasticis non exemptis ipsorum Abbates; de hijs quoq; quæ per Priores perpetuos & electivos plenum Convantum habentes reguntur; eorundem Monasteriorum Priores, & omnium Ecclesiarum ac Monasteriorum hujusmodi Capitula seu Convventus, Clerum etiam universum cujusc; Diœcesis, viz. ut dicti Episcopi sub suæ professionis & obedientiæ in

ea promissæ debito, Decani vero, Abbates, & Priores præfati in virtute sue obedientie, personaliter; ac unumquodq; Capitulum seu Conventus per unum; Clerus quoq, cujuslibet Diœcesis per UNUM similiter PROCURATOREM idoneum & instructum mandatum sufficiens una cum clausulâ de rato habentem die Dominica quâ cantabitur Officium LÆTARE JERUSALEM in Ecclesiâ S. Pauli, &c. Dat. Cant. iv. Kal. Martij A. D. 1296. Consecr. nostræ 3.

A Form of a *Procuratorium* granted by the Subprior and Chapter of Bath, for this Convocation, and directed to the Archbishop, is still extant (a) — *Ad tractandum una cum cæteris Religiosis in Convocatione vestrà præsentie Lond. convenientibus die Dominicâ quâ cantatur LÆTARE JERUSALEM, &c.*

The best account of this Transaction, that I have met with, is in the ancient *MS. Chronicle* of the Priory of *Dunstable*, which was writ at this same time. In which we are told that the Clergy of both Provinces, and both the Archbishops met together in the first Convocation, and that the Convocation was divided into 4 Companies, the Bishops and their Proxies by themselves, the Deans and Archdeacons by themselves, the Abbots, Priors, and other Prelats by themselves, and the Proctors of the Parochial Clergy by themselves. And the same Method they observ'd again in the 2d Convocation. Both the Convocations are placed to a different time from what the Mandates mention, but it is but a small difference of about a Week; and they lasted no doubt to the time which the Chronicle mentions. I shall

(a) *Ap. Pryn. Writ. Parl. Vol. I. p. 117.* out of the Register of that Priory.

produce the Words of the Chronicle at large,
ad An. 1296.

Post hæc D. Rex Parliamentum suum tenuit apud
S. Edmundum, auxilium petens à Laicis & a Clero.
— Super quo articulo respectum habuerant hi & illi
usq; ad Epiphaniam prox. subsequentem. — Post hæc
in festo Epiphanie D. Cant. Archiepiscopus cum suis
Suffraganeis & Clero, & Electus Ebor. Confirmatus
cum suis similiter, in Ecclesia S. Pauli Lond. Concilium
habuerunt qualiter sana conscientia possent Dominum
Regem juvare & contributionem facere quam petebat.
Cumq; ipsa congregatio divisa esset in 4 ordines sive
turmas, Episcopi scil. & eorum Procuratores seorsum:
decani Cathedrales & Archidiaconi seorsum: Ab-
bates Priores & alij Prælati seorsum: Procura-
tores Communitatis Cleri seorsum: multis rationi-
bus propositis pro & contra, visum est singulis quod
non fuit Regi contributio facienda. Intervenerat &
porrecta est in medium quedam Bulla Bonifacij
Papæ per quam hujusmodi contributiones seu auxilia
exigi vel donari à quibuscunq; personis, Clericis seu
Laicis, sub pænâ anathematis expressius prohibentur:
ita quod rei in hac parte à nullo absolvi possent nisi
a D. Papâ, excepto mortis articulo duntaxat. Tandem
prædictorum ORDINUM seu TURMARUM respon-
sio redacta est in scriptis & sub sigillo Cant. Archi-
episcopi Domino Regi per solempnes nuncios destinata.
Et Rex responsum non acceptavit. Evolutis paucis
diebus Rex apud Sarum consulto Barnagio suo crudele
edictum statuit contra Clerum sine exceptione persona-
rum in dignitate vel extra positarum. Tunc de man-
dato Regis terræ & tenementa redditus & possessiones
& omnia eorum bona mobilia & immobilia quæ
extra Ecclesias & eorum cæmeteria sunt reperta in
manu Regis per Vicecomites Angliæ sunt seysata, con-
fiscata, & detenta, ita quod ad bona sua Ministri
Ecclesiæ manum apponere non valebant. Averia
etiam

etiam & bona singula Clericorum sunt taxata & eorum prædia & valor & numerus acrarum rediguntur in scriptura, ita quod statim post festum Paschæ primum sequens omnia sint ad Regis voluntatem. Sed interim habuit Clerus quietem & Respectum ad deliberanda bona sua & terras de manu D. Regis & ad finem faciendum pro eisdem. Tunc Ebor. Electus viso gravamine Ecclesiæ & despectu pro se & suis Suffraganeis & Clero finem fecit, sanam tum sibi conscientiam formans quasi pro pace & vexatione sibi redimenda, regiâ protectione super hoc recepta. Ex provincia vero Cant. Episcopi similem sibi conscientiam formantes consimilem finem fecerunt & pacem habebant. Qui etiam finem non fecerant exleges & læsæ majestatis rei censebantur. Et de incuriâ dampno vel convicio personali vel prædiali sibi factis, & de ablato sibi equo à Laico, quod tunc sæpe contigit, remedium seu breve à Regia Curiâ negabatur. Et facti sunt Clerici quasi opprobrium hominum & abjectio plebis.

Et in quadragesimo proximo sequenti, Sabbato quo canitur SITIENTES, Cant. Archiepiscopus convocavit suæ provincie totum Clerum apud Lond. Et diviso Clero in 4 turmas sicut prius, tractabatur inter eos, si adhuc possent propter Bullam Apostolicam Domino Regi contribuere quod petebat. Quod cum facere Clerus sane non valeret, mandavit Rex Clero per nuncios solemnes quod de eorum subsidio nil curavit, sed emendas petijt comminando de despectu sibi facto pro eo quod eum juvare noluerant ad defensionem terræ & defensionem sanctæ Ecclesiæ contra hostes. Archiepiscopus verò & Clerus remedium à Domino Papa super hijs angustijs expectabat, & cum nuncij horâ debitâ non venissent, Ecclesiasticæ personæ fere omnes, exceptis paucis cum Domino Rege, finem fecerunt, &c. The Author adds, that he intends to speak more largely of this persecution of the Church of England in

in the following Year. But that he does not do. For in the beginning of the next Year, 1297. the Chronicle ends, and the Author died. See also *Mat. Westm.* ad An. 1296, 1297.

An. 1297. on S. Laurence's Day a Convocation was held at the New Temple, without any Writ from the K. to which were summon'd 1 Proctor for each Chapter, and 2 for the Clergy. The (a) Mandate this :

Robertus, &c. Episcopo Lond. — *Articulus arduus videtur de magnis Chartis libertatum & Forestæ salubriter innovandis, & de juribus ac libertatibus Ecclesiæ Anglicanæ, quæ hactenus deciderunt, & adhuc continue decidunt in abusum recuperandis à principio, &c.* — Quocirca — mandamus quatinus — Episcopos & totum Clerum per locorum Diœcesanos faciatis in Diœcesibus singulis peremptorie convocando citari, viz. ut iidem Episcopi & Ecclesiarum Cathedralium præsidentes Decani scil. secularium & Religiosorum Priores, necnon Diœcesum singularium Abbates & Priores electivi plenum Conventum habentes non exempti personaliter, & pro singulis Capitulis, aut Conventibus eorundem unus, pro Clero quoq; cujusq; Diœcesis duo Procuratores sufficientes compareant apud Novum Templum Lond. die Sancti Laur. — Vos etiam præmunimus & cæteros sic citandos præmuniri mandamus, quod absentes in citatione prædictâ, nisi evidens & inevitabile impedimentum per probationes certas superesse docuerint, tanquam inobedientes & offensores notorios graviter puniemus. Vos etiam ad hoc idem citamus, vestrosq; subditos citari præcipimus in forma superius annotata. Rogetis

(a) Reg. Winchelsea f. 218. b.

insuper & per nostros Coepiscopos in suis Diæcesibus vice nostra rogari mandetis Religiosos exemptos vestrae & suarum Diæcesium ut dictis diebus & loco compareant tractaturi & facturi ut supra, &c.
 ——— *Dat. apud Waleworth juxta Lond. 17. Kal. Aug.*

The same Year another Convocation was held on S. Edmund's Day at the New Temple pro defensione Ecclesiæ contra Scotos, as the Register (a) says, *i. e.* for a Subsidy for the Scotch War: to which were summoned 2 Proctors for the Clergy of each Diocese in England, but no more than ONE for each Diocese in Wales.

Robertus, &c. Episcopo Lond. ——— *mandamus ut nostros Coepiscopos ——— & per Episcopos ipsos Clerum quatenus eis subjicitur, convocari mandetis, viz. ut ipsi Episcopi & Decani ac Priores in Ecclesiis Cathedralibus præsidentes personaliter, cæteri vero Abbates & Priores cujusq; Diæcesis pro se & conventibus suis, per se, aut per procuratorem sui ordinis, & reliqua Cleri communitas similiter cujusq; Diæcesis Walliæ viz. per UNUM, Angliæ verò, quatinus nostra provincia se extendit, per duos, & Capitula Cathedralium Ecclesiarum per unum, procuratores idoneos instructos die S. Edmundi R. — apud Novum Templum Lond. compareant nobiscum cum cæteris, ut prætangitur, convocandis super hijs tractaturi, & qualiter dicta possint præcaveri pericula provisuri, necnon in certam formam inibi providendam concorditer consensuri, facturiq; ulterius quod ad expeditionem idoneam pertinere videbitur præmissorum. Interim verò*

(a) Ibid. f. 225.

dicti Episcopi cum suis consilijs, ceteri vero prænotati similiter modo quo melius expedire prospexerint, plene deliberent & pertractent tam de auxilio licito quam de modo, & de hijs omnibus procuratores & alij ut supra mittendi plenius instruantur ut ad diem & locum prædictos suum possint super hijs deliberationis exhibere consilium, & quod agendum extiterit sine mora planius expedire. Religiosos autem exemptos per Diocesanos locorum ad id idem rogari & præmuniri congrue demandetis. — Denunciantes dictis Coepiscopis & per eos suos subditos sic vocandos faciatis idonee præmuniri, & vos similiter de eodem præmunimus, quod absentes in citatione prædictâ nisi evidens & inevitabile impedimentum sufficienter probetur, tanquam inobedientes graviter puniemus, &c. Dat. apud Lamebeth Id. Octob. 1297. Consecr. nostræ 4.

The Archbishop in the Preamble says that he was then sitting in Parliament with the rest of the Nobility when News came of the Scots Invasion, and was desired by the King's Son and the rest of the Nobility assembled in Parliament to call a Convocation. *Nuper siquidem in Parlamento London. ubi cum optimatibus & Regni proceribus varia tractavimus negotia ut decebat, rumor validus, &c. — propter quod Dominus noster filius Domini Regis charissimus cui juramento fidelitatis astringimur & regni procures super hijs arctissimâ revolutione tractantes, à nobis & quibusdam nostris Coepiscopis ibidem præsentibus affectuose petebant ut in tam grandi & evidenti periculo — nos & ceteri Prælati ac Clerus Angliæ — consilium opem & efficax præsidium impendere curaremus.*

An. 1298. a Convocation was summoned ad instantiam Regis regressi à Flandriâ as the Registra-

ry (a) says, i. e. for a Subsidy. It met the Morrow after the Nativity of S. John Baptist at the New Temple, and the persons summoned to it, with 2 Proctors for each Diocese, and not only the Deans and Archdeacons, &c. but also the CHANTERS, CHANCELLORS, and TREASURERS of Cathedral Churches.

Robertus, &c. Domino Lond. Episcopo salutem, &c. Exigunt nonnunquam etiam contra animi destinationem licet cum fastidio petita concedi, non tam dignitas quam instantia postulantis. Sane apud St. Albanum nuper ad illustrem Regem nostrum Angliæ præventi suis precibus accedentes, & super negotiis varijs cum ipso & alijs de consilio suo propensius conferentes, inter cætera per eundem affectuosius exstitimus requisiti quod omnes Prælatos & Clerum nostræ civitatis diœcesis & provinciæ Cant. pro arduis quibusdam negotiis exponendis eisdem ad certos diem & locum faceremus quantocius convocari. Cujus deprecantis recenter ad regnum suum regressi, supereminens conditio auctoritatisq; sublimis post regni ejus ingressum prima supplicatio nobis facta, nos licet anxios de nimijs fatigationibus subditorum, secundum discrimen temporis transacti, compatiensq; persæpius repetitas Convocationes, hujusmodi tædiosis vexationibus eorundem extra præconceptum propositum, quodammodo invitos compulit, tantis precibus animum inclinare. Quocirco Fraternitati vestræ committimus & mandamus quatinus sine dilatione morosa omnes & singulos Coepiscopos & Suffraganeos nostros in nostrâ Cant. provinciâ constitutos convocando citetis, seu citari peremptorie faciatis & per eosdem Episcopos vice & auctoritate nostrâ citari mandetis similiter peremptorie in singulis Diœces. omnes Decanos, PRÆCENTORES, CANCELLARIOS, THESAURARIOS, Archidiaconos, Priores Cathedralium Eccles. & Ab-

(a) Ibid. f. 242.

bates non exemptos, ac etiam omnes Priores perpetuos & electivos, Præpositos, Magistros, seu Custodes Conventualium & Collegiatarum Eccles. & alios UNIVERSOS IN DIGNITATE CONSTITUTOS, Capitula quoq; Conventus & Collegia omnium prædictorum, & Clerum singularum diœcesium: viz. ut dicti Episcopi, Decani, PRÆCENTORES, CANCELLARII, THESAURARII, Archidiaconi, Abbates, Priores, Magistri, Custodes, & alij, IN DIGNITATE, ut præmittitur, CONSTITUTI, in virtute obedientiæ personaliter, singula vero capitula, Conventus, & Collegia tam secularium quam Religiosorum prædictorum per unum, Clerus autem cujuslibet diœcesis per duos Procuratores sufficientes compareant apud Nov. Templ. Lond. in crastino Festi Nativitatis S. Jo. Bapt. proximo venturi cum diebus sequentibus continuandis eisdem usq; ad finalem ipsorum expeditionem in hac parte una nobiscum ea quæ per præfatum Dominum Regem nostrum illustrem vel ex parte sua exponentur ibidem audituri & similiter hijs prout convenit tractaturi, provisuri & ordinaturi salubriter de eisdem, & ad ea quæ ex communi deliberatione concorditer providebuntur aut fient suum adhibaturi consensum, facturiq; ulterius quod duce Domino visum fuerit opportunum. Et vos ipsi quod ad vos & subditos vestros hoc ipsum mandatum nostrum in singulis suis articulis similiter observetis. Denunciantes dictis Episcopis, & per eos suis subditis denunciari facientes, quod absentes in dicto termino cessante legitimo impedimento, de quo evidenter & legitime doceri volumus, graviter pro contumaciâ puniemus. Religiosis quoq; Exemptis dictarum Diœcesium — absq; præjudicio suorum privilegiorum compareant loco & temporibus prænotatis per vos & alios Coepiscopos nostros denunciatis & denunciari sollicitè faciatis, &c. — Dat. apud Croyn-
don II. Kal. Maij A. D. MCCLXXXVIII. Con-
sec. nostræ iv.

An. 27. E. 1. Christi 1299. in crastino *Animarum*, i. e. Nov. 3. a Convocation was held, which is mention'd in a certain Epistle (a) of Archbishop Winchelsea. And the Form of a *Procuratorium*, granted for the same Convocation by the Prior of Bath there is (b) extant in the Register of that Priory, directed to the Archbishop. *Sanctæ Congregationi Patrum Reverendorum Dominorum Episcoporum, Abbatum, Priorum, cæterorumq; Prælatorum ac Cleri Provinciæ Cant. in vestrâ præsentia reverendâ post instantem commemorationem Animarum London faciendæ, ob debilitatem nimiam nostri corporis, non valentes personaliter interesse; vestræ Paternitati supplicamus attente, quatinus tunc ibidem hanc nostram excusationem habere dignemini benignius excusatam &c.* Another granted at the same time by the Sub-Prior and Chapter to the Person whom they sent up.

In a Convocation held An. 1392. the Morrow after *Ascension-day* at the *New Temple*, the *Chanters*, *Chancellors*, and *Treasurers* of Cathedral Churches, were again Summon'd, and but only ONE Proctor for each Diocese in *Wales*.

Reg. Winchelsea F. 147.

Robertus, &c. Episcopo Lond. &c. — Mandamus, — quatinus — Coepiscopos citetis, — ac per eosdem Episcopos vice & auctoritate nostrâ citari mandetis similiter peremptorie in singulis diæcesibus omnes Decanos, Præcentores, Cancellarios, Thesaur. Archidiaconos, Priores Cathedralium Eccl. & Abbates non exemptos, ac etiam

(a) ap. Reg. f. 139. & 140. b. & 145. (b) Ed. ap. Pryn Brev. Parl. Vol. 1. p. 117.

omnes Priores perpetuos & electivos plenum Conventum habentes, Præpositos, Magistros, seu Custodes Conventualium & Collegiatarum Eccl. & alios universos IN DIGNITATE CONSTITUTOS, &c. (ut supra) — Clerus autem cujuslibet Diocesis Angliæ per duos Procuratores, Walliæ verò per UNUM, compareant apud Novum Templum Lond. in crastino Ascensionis Domini — una nobiscum efficaciter tractaturi ac etiam ordinaturi concorditer quid ad honorem Dei & reformationem Status Ecclesiæ animarumq; salutem in hac parte consultius sit agendum, & ad ea quæ ex communi deliberatione concorditer providebuntur, statuentur, aut fient, suum adhibituri consensum, facturiq; ulterius quod pro communi utilitate omnium & singulorum divinâ inspirante gratiâ visum fuerit oportunum, &c. (ut supra) Dat. apud Mortelake 3 Id. Apr. A. D. 1302. Consecr. nostræ I

A Form of Summons to the Prior and Chapter of Cant. for that Convocation.

Ibid. Fol. 286.

Robertus, &c. Dilectis filiis — Priori & Capitulo Ecclesiæ nostræ Cantuar. salutem — Quocirca vos tenore præsentium citamus peremptorie, quod vos Prior personaliter in virtute obedientiæ, Capitulum verò per unum Procuratorem vestræ conditionis & Ordinis sufficientem compareatis apud Nov. Temp. Lond. in crastino Ascensionis Domini proximo venturo cum diebus sequentibus, continuandis eidem, usq; ad finalem ipsorum expeditionem in hac parte unâ nobiscum, & Coepiscopis Suffraganeis nostris, & Clero nostræ Cant. Provinciæ efficaciter tractaturi, ac etiam ordinaturi concorditer, quid ad honorem Dei & reformationem status Ecclesiæ, animarumq; salutem in hac parte consultius sit agendum, & ad ea quæ ex communi deliberatione concorditer providebuntur, statuentur aut fient, vestrum adhibituri consensum, facturiq; ulterius quod pro communi utilitate omnium & singulorum, divinâ inspirante

L

gratiâ

gratiâ visum fuerit opportunum. Et quid feceritis in præmissis, nos dictis, die & loco certificetis per vestras patentes literas harum seriem continentes. Dat. ap. Harewes 14. Kal. Maij 1302.

Citatio Abbatum & Cleri Diœcesis Cant.

Ibid. f. 286.

Robertus, &c. Magistro Martino Commissario nostro Cant. salutem. — Quocirca tibi committimus & in virtute obedientiæ firmiter injungendo mandamus, quatinus cum celeritate debitâ omnes Abbates, non exemptos, ac etiam omnes Priores perpetuos & electivos plenum Conventum habentes, Præpositos, Magistros, seu Custodes Conventualium & Collegiatarum Eccl. & alios universos in dignitate constitutos, Conventus quoq; Collegia omnium prædictorum, & Clerum nostræ Cant. Diœcesis, viz. ut dicti Abbates, Priores, Magistri, Custodes & alij in dignitate ut præmittitur constituti in virtute obedientiæ per se; singula verò Collegia & Conventus tam secularium quam Religiosorum prædictorum per unum, suæ conditionis & ordinis: Clerus autem dictæ nostræ Diœcesis & Decanatum nostrorum exemptorum, per duos Procuratores sufficientes compareant apud Nov. Templ. Lond. in crast. Ascens. Dom. prox. vent. cum diebus sequentibus continuandis eidem usq; ad finalem ipsorum expeditionem in hac parte, unâ nobiscum, Coepiscopis & Suffraganeis nostris, & Clero nostræ Cant. Prov. efficaciter tractaturi ac etiam ordinaturi concorditer quid ad honorem Dei, reformationem statûs Ecclesiæ, animarum salutem in hac parte consultius sit agendum, & ad ea quæ ex communi deliberatione concorditer providebuntur, statuentur aut fient, suum adhibituri consensum, facturiq; ulterius, quod pro communi utilitate omnium & singulorum, divinâ inspirante gratiâ visum fuerit opportunum, &c.

The same Year another Convocation was held

at

at S. Pauls the Monday after Mich. for the granting a Subsidy, to which were summon'd all Ecclesiastical Persons who had Temporal Estates, to appear either in their own Persons, or by a Proctor; and so the Chapters and Convents were to appear either in their own Persons, or by a Proctor. The Diocesan Clergy who had no temporal Estates, were not summon'd.

Ibid. f. 148.

Robertus, &c. Episcopo Lond. &c. Ut animarum periculis verisimiliter imminentibus occasione quintæ decimæ quam serenissimus princeps Dominus E. Dei gratiâ Rex Angliæ illustris exigit de bonis Ecclesiasticis nostræ Prov. Cant. quantis possumus studijs obviemus, obtentâ Primitus dilatione exactionis ejusdem quintæ decimæ à proximo Parlamento ante Autumnum usq; ad Festum S. Mich. ultimo transactum, deinde cum magnâ instantiâ usq; ad Pascha proximo jam futurum à dicto Domino Rege, cum quo & suis Proceribus jam in proximo Parl. suo Lond. pro statu Ecclesiæ sollicitè super hoc contulimus, sub certis modis & conditionibus, cum omni celeritate discutiendis, cogimur licet invidi Prælatos nostræ Provinciæ quos res tangit protinus convocare. Quocirca — mandamus quatinus Coepiscopos citetis — ac per eosdem Episcopos auctoritate nostrâ citari mandetis similiter peremptorie in singulis Diocesis omnes Abbates & Priores perpetuos plenum conventum habentes non exemptos, & alias quascunq; personas Eccl. seculares & religiosas, à quibus ratione possessionum temporalium Ecclesiarum suarum hujusmodi quinta decimæ exigitur, quod iidem Episcopi in virtute obedientiæ personaliter, alij vero præmissi & singula Capitula, Conventus, & Collegia tam secularium quam Religiosorum per se vel PER UNUM suæ conditionis Procuratorem sufficientem compareant apud S. Paulum Lond. die Lunæ prox. post Festum S. Mich. &c. (the oblate threaten'd) Dat. apud CHARTHAM.

Archbishop *Winchelsea's* Provincial Constitutions, publish'd in a Synod held at *MERTON* (in *Surry*, at the *Priory* there) are placed in the Edition of our Councils *ad An. 1300. vel circa.* But the Editor might have known, from the Edition which is at the end of *Lindwood*, that they were publish'd *An. 1305.* and that that Constitution which he has publish'd *Pag. 436.* as made *An. 1305.* belongs to that Synod.

From the same Edition it appears that one Constitution ascribed to him (extant in *Spelman* p. 434.) was by some attributed to Archbishop *Iship*.

The Synod of *Winchester*, which is there mention'd as held under Archbishop *Winchelsea* (in the next Reign) *An. 1308.* was rather a Diocesan Synod held under the Bishop of that Diocese; whose Constitutions are extant in *Spelman*.

In the same Vol. (a) of our Councils there are 2 Prohibitions, issued out by the K. in *French*, March 21. (129 $\frac{6}{7}$.) *Regni 25.* relating to the Convocation of that time, mention'd above. Which I had there forgot.

There is also a Sentence of Excommunication denounc'd by Archbishop *Winchelsea's* Command against all the Infringers of *M. Charta* and *Charta de Foresta* *An. 1298.* pursuant to a Decree of a Convocation held about *Hilary 1296.* *Nuper in quadam Convocatione Prælatorum & Cleri London celebratâ post Festum S. Hillarij An. 1296. per Nos & Coepiscopos nostros communi exitit ordinatione conductum, &c.*

An. 1306. and again *1311.* *Will. Greenfield* Archbishop of *York* published certain Constitutions, which are there also extant. His Register is still

(a) p. 429.

in being, and in it there are the Acts of a Provincial Council held at the very *beginning* of the 14th Cent. for the Suppression of the *Knights Templars*, as we are told in the *Rights of Convocations*. But I suppose it was held *An. 1309. or 1311.* For then there were 2 held in the Province of *Cant.* about the same Matter. Of which we are next to treat.

Convocations in the Reign of Ed. II. under Rob. Winchelfsee and Walter Reynolds Archbishops.

A N. 1309. on the Festival of S. Edmund the K. a Convocation was held at S. Pauls. to which were summon'd not only the *Archdeacons* and Proctors of the *Capitular* and *Parochial* Clergy, but also the *ARCHPRESBYTERS* or *RURAL DEANS*. And this is the first Convocation whose *Acts* we have any particular account of in our Registers. It was summon'd by the Pope's Command, to consult about certain Matters relating to the *Templars*, a general Council being to be held a little after about the same. (a).

Concilium Provincaile celebratum in Ecclesiâ S. Pauli Lond. die Lunæ proximâ post Festum S. Edmundi R. & Martyris, A. D. MCCCIX. per Dominum Rob. de Wynchelse Cant. Archiepiscopum, convenientibus tunc ibidem ad citationem ejusdem Ar-

(a) Reg. Winchelfsee f. 125.

chiepiscopi Dominis R. Lond. H. Wynton. S. Sarum, &c. ——— cæteris Episcopis Suffraganeis Cant. Ecclesiæ se excusantibus propter infirmitatem & debilitatem corporum: Necnon Decanis, & Procuratoribus Capitulum Cathedralium Eccles. PRÆPOSITIS, ARCHIPRESBYTERIS, Archidiaconis, & Procuratoribus Cleri cujuscumque Diocesis, Abbatibus, Prioribus, ac Procuratoribus Collegiorum, prout in certificatorio Lond. Episcopi inferius descripto fit mentio. Celebratâ primitus missâ de S. Spiritu per Norwicensem, Archiepiscopo & cæteris Episcopis, Pontificalibus indutis: post finitam missam Archiepiscopus proposuit Verbum Dei in Latino, in quo reprehendit Episcopos male per preces electos vel ambitionem, necnon & eos qui non stant pro jure Ecclesiæ. Finito autem sermone dedit Indulgentiam XL. dierum omnibus qui eidem sermoni interfuerunt, confessis & contritis, & deinde exposuit in genere occasionem convocationis Concilij, quæ in Certificatorio Lond. Episcopi continetur. Et quia multum dies transiit, nihil plus actum fuit illo die. In crastino autem comparuerunt omnes Episcopi non induti Pontificalibus, sed capis suis clausis, necnon & cæteræ personæ Ecclesiasticæ prædictæ in eodem loco, & primo legebantur Bullæ Apostolicæ propter quas fuit convocatum Concilium, necnon & litera certificatoria Londinensis prout inferius describitur. Bullæ autem ideo ante Certificatorium legebantur, quia propter illarum primam habuit Archiepiscopus auctoritatem vocandi EXEMPTIOS populum non habentes. Et est sciendum quod Norwicensis qui celebravit Missam, dedit solemnem benedictionem in Missâ, propter reverentiam Corporis Christi quod ante se habuit in altari. Et orationes consuetas eandem benedictionem præcedentes.

Then follows the Pope's Bull, and after that the Bishop of London's Certificatorium reciting the Archbishop's Mandate; which I omit because it is published in the 2d Vol. of our Councils p. 466. The Mandate is dated vi. Non. Octob. the Certificatorium

9. Kal.

9. Kal. Decemb. The Persons summoned in the Mandate are *Episcopi, ELECTI, CONFIRMATI, Abbates, Priores Electivi plenum Conventum habentes Abbates super se non habentes, Decani, PRÆPOSITI, ARCHIPRESBYTERI, Archidiaconi, & Capitula ac Collegia univ[er]sa, necnon & Clerus cuj[us]libet Diocesis.*

An. 1311. 14. Kal. Maij at S. Pauls another Convocation was held against the *Templars*, to which were summon'd the *Vicars General* of Bishops absent beyond Sea, but not the *Rural Deans*. The *Collegiate Churches* and *Monasteries* are directed either to give *Procuratorial Commissions* to their *Deans, Abbots, and Priors*, or IF THEY PLEASED, to send up some of their own Body one or more. And the *Diocesan Clergy* are directed to send up either ONE or TWO Proctors.

The Archbishop's Mandate.

Fol. 60. b.

Robertus, &c. dilecto filio venerabilis nostri R. Dei gratiâ Lond. *Episcopi agentis in remotis, in spiritualibus Vicario Generali salutem gratiam & ben. Cum circa quasdam singulares personas ordinis Militiæ Templi in nostrâ Provinciâ degentes post ultimum nostrum provinciale Concilium celebratum, emerferint aliqua quæ juxta Apostolici mandati exigentiam non possunt nisi in consimili celebrando Concilio expediri, urgeatq; necessitas boni publici hujus regni, tranquillitatisq; & quietis accommodæ in Ecclesiâ Anglicanâ exposcat utilitas, Prælatos & Clerum nostræ Provinciæ ad invicem convenire de consilio venerabilium fratrum nostrorum, qui nuper ad admonitionem nostram London. suam præsentiam exhibebant, & nonnullorum Procuratorum absentium fratrum nostrorum, decrevimus Provinciale Concilium in proximo, dante Domino, celebrare. Quocirca vobis injungimus & mandamus, quatinus venerabiles*

fratres nostros Suffraganeos præsentés in regno, ac absentium fratrum in spiritualibus & temporalibus Vicarios generales, seu alios quos ad hoc duxerant dimittendos, Decanos & Capitula Cathedralium Ecclesiarum, Archidiaconos universos, Abbates, Priores super se Abbates in nostrâ provinciâ non habentes, tam exemptos quam non exemptos, eorumq; Conventus, Clerumq; cujuscumque civitatis & Diœcesis nostræ Provinciæ supradictæ citetis seu citari faciatis peremptorie, quod dicti venerabiles fratres, Vicarij, Decani, Archidiaconi, Abbates, Priores, personaliter; Capitula autem & Conventus **PER SUOS DECANOS, ABBATES, ET PRIORES SI VOLUERINT**, alioquin per **ALIUM** seu **ALIOS** idoneos, Clerus autem per **UNUM** vel **DUOS** Procuratores consimiles communiter destinandos, compareant coram nobis 14. Kal. Maij in Ecclesiâ S. Pauli London. nobiscum super præmissis & alijs prout expediens visum fuerit efficaciter tractaturi, consensuq; hijs quæ, dante Domino, ordinabuntur & providebuntur ibidem præbituri, ulteriusq; facturi ad continuationem dierum sequentium usq; ad finem ejusdem Concilij quod justitia suadebit: Denuntiantes eisdem, quod nullius quem inevitabilis necessitas non excusat, absentiam à dicto Concilio habebimus excusatam. Cæterum ut de ipsorum Vicariorum, Decanorum, Archidiaconorum, Abbatum, & Priorum nominibus proprijs, quiq; Abbates & Priores exempti plebes Capellas seu Ecclesias habeant non exemptas, valeamus effici certiores, ipsis venerabilibus fratribus nostris ac Vicarijs auctoritate nostrâ districtius injungatis quod nos de eisdem omnibus reddant in dicto termino certiores, per suas patentes literas hujusmodi ac nostri mandati seriem continentes. Vos insuper citamus peremptorie ad id idem, & quo ad Vicarium in temporalibus generalem Civitatis & Diœcesis Lond. Decanum & Capitulum Lond. Archidiaconos, Abbates, Priores, Plebes, Ecclesias seu Capellas, & clerum ejusdem Civitatis ac Diœcesis mandamus

mus *supra*scripta omnia fieri & observari. Quod autem in hac parte duxeritis faciendum nos dictis die & loco certificetis distincte & aperte per vestras patentes literas harum seriem continentes. Dat. apud Tenham XIII. Kal. Apr. A. D. MCCCXI. Consec. nostræ XVIII.

His Summons to the Prior and Chapter of Cant.

Robertus, &c. Dilectis filiis & venerabilibus viris Dominis Priori & Capitulo nostræ Cant. &c. Cum circa quasdam singulares personas, &c. (ut supra) Quocirca tenore præsentium peremptorie vos citamus quod vos Domine Prior personaliter, & vos Capitulum per eundem Dominum Priorem, SI VOLUERITIS, alioquin per ALIUM seu ALIOS idoneos compareatis coram nobis 14. Kal. Maij, &c. (ut supra, usq; ad excusatam.)

His Summons to the Clergy of his Diocese.

Robertus, &c. dilecto filio Commissario nostro Cant. sal. grat. & ben. Cum circa quasdam, &c. (ut supra) Quocirca tibi committimus & mandamus quatinus dilectos filios Abbates & Priores super se Abbates non habentes, ipsorumq; Conventus tam exemptos quam non exemptos, Vicarios, Archidiaconos (Provinciæ) nostræ Cant. (absentis redundat) necnon & Clerum nostræ Civitatis & Diocesis ac jurisdictionis immediatæ, cites seu citari facias peremptorie quod dicti Abbates, Priores, & Vicarij Archidiaconi personaliter, Conventus autem per suos Abbates & Priores si voluerint alioqui per alium seu alios idoneos: Clerus vero per unum vel duos procuratores consimiles communiter destinandos, compareant coram nobis 14. Kal. Maij, &c. (ut supra usq; ad excusatam.) Cæterum ut de ipsorum Abbatum Priorum & Vicariorum nominibus proprijs valeamus effici certiores, tibi damus districtius in mandatis, quod nos de eisdem nominibus reddas in dicto

*dicto termino certiores per tuas patentes literas harum
& rei per te gestæ seriem continentes. Porro cum
dilectis filiis Dominis Priori & Capitulo nostro Cant.
mandata nostra in hac parte specialiter dirigamus
per te volumus ipsos ad dictum Concilium evocari.
Dat. ut supra.*

There is extant in the same Register a Mandate to the Bishop of London to punish such Persons as neglected to come to 2 Convocations lately held, one on *Ascension Day*, the other at *Mich.* Which Mandate I shall have occasion to make use of elsewhere.

Walter Reynolds being made Archbishop 13. Kal. March. 1313. immediately resolv'd to call a Convocation, as he says, of his *SUFFRAGANS*, as his Predecessors had been used to do in the beginning of their Pontificats: But was prevented by a Writ from the K. by which he was required to summon both the Bishops and the Clergy of his Province at a certain time and to a certain place. Accordingly he issued out his Mandate reciting the Royal Writ, which lies in his Register (a) in these Words:

W. &c. Prædecessorum nostrorum Sedis Cant. Pontificum quanto cum Domino possumus satagentes, deliberavimus penes nos SUFFRAGANEORUM nostrorum Convocationem, prout per eosdem Prædecessores nostros in sui regiminis initio fieri consuevit fore salubriter faciendum, & dum hoc in mentis conceptu pro honore Dei & Ecclesiæ statu studiose (a Word is wanting) supervenit nuncius ex parte D. Regis nostri literas ejusdem Domini 2. Non. Apr. apud LA PLACE juxta Lamheth nobis deferens, continentes tenorem qui sequi-

(a) f. 37. b.

tur: Edwardus, &c. Quocirca vobis tenore præsentium injungimus & mandamus quatinus præfatos Suffraganeos nostros, Decanos, Priores, Archid. Abbates, Clerumq; prædictum Prov. Cant. peremptorie præmuniri & citari faciatis, quod dictis die & loco sint & compareant juxta formam literarum unâ NOBISCUM tractaturi & ordinaturi super præmissis prout utilitati Ecclesiæ & Animarum saluti visum fuerit expedire, & hijs quæ Domino disponente ibidem salubriter contigerit ordinari, suum prout decet consensum adhibitari. Ad quem diem vestram ibidem præsentiam exhibeatis, &c.

There is only the first Word of the *Writ* enter'd in the *Register*, as recited in the *Mandate*; but in another place of the *Register* (a) it is extant by it self. The *Parliament* was held a little before on the *Quinden* of *Easter* as appears by the (b) *Summonitiones ad Parl.* And this was a kind of *Convocation* that was summon'd to sit about 3 Weeks after, on the *Morrow* of *Ascension* before certain Agents deputed by the King, for the granting of an *Ayd* against *Robert de Brus*. The *Archbishop* is required to summon the *Bishops* and *Clergy* of his *Prov.* — *Vobis mandamus rogantes quatinus alijs prætermisissis sitis in propria personâ vestrâ apud Westm. in Crast. Ascensionis Dom. prox. fut. coram Fidelibus nostris ad hoc deputandis ad tractandum cum eisdem super competenti auxilio à Clero Prov. vestræ Cant. — prout in Parl. nostro ap. Westm. habito tam per Clerum quam per Communitatem Regni nostri extitit concordatum, & prout per prædictos fideles nostros eritis requisiti: & ad eundem diem venire faciatis coram dictis nostris Suffraganeos vestros, Decanos, Priores Ecclesiarum Ca-*

(a) f. 35. (b) p. 95, 46.

thed. *Abbates exemptos & non exemptos, Archidiaconos Capitula Ecclesiarum Cathed. — Clerum — ad tractandum & consent. &c. Dat. ap. Westm. 27. Martij.*

The Clergy both High and Low being disgusted at the King's pretending to summon them, and disliking that the Archbishop should send out a Mandate reciting the King's Writ; the Mandate was not generally executed: It was sent to but few, and very few came. So that there was no Subsidy granted. The Archbishop therefore by his own Authority called a Convocation 9. Kal. of June, to sit at S. Pauls July 3. to which the *Abbots exempt*, and the *Priors of Cathedral Churches* were summon'd to appear in Person, but all the *Abbots*, and the *Conventual Priors*, were to appear for themselves and their Convents, EITHER by themselves or by some Proctors of their Order.

Reg. Reynolds f. 105. b.

——— *Verum quia die & loco in Convocatione hujusmodi assignatis, quampluribus confratribus nostris Suffraganeis ac alijs de Clero nostræ Prov. nobis invicem congregatis quorundam ipsorum confratrum nobis relatio patefecit, quod citatio nostra prædicta ad notitiam quorundam Decanorum, Abbatum, Priorum, Archidiaconorum, & Cleri quarundam partium nostræ Prov. quibusdam certis ex causis assertis pervenire non poterat, nec pervenit, nobis & nostris Coepiscopis ac alijs quibusdam coadunatis super hijs omnibus artissimâ revolutione tractantibus, tandem consultum honestum & expediens videbatur quod intercurrente communi assensu omnium pro oppressionum hujusmodi relevatione & periculis imminentibus necessitate urgente præcavendis in hac parte foret efficaciter succurrendum, & hoc minime posse fieri illorum quorum intererat convocatione communi & debitâ prætermisâ. Quocirca fraterni-*

ternitati vestræ committimus & mandamus quatinus omnes Coepiscopos & Confratres Suffraganeos nostros absq; dilatione morosâ convocetis, & per ipsum dictum Clerum peremptorie convocari mandetis, viz. quod Episcopi & Decani ac Priores in Ecclesijs Cath. præsidentes, necnon Abbates exempti, & Archidiaconi personaliter; cæteri vero Abbates, Priores cujuscunq; Diæcesis pro se & Conventibus suis, PER se aut PER PROCURATOREM sui ordinis; & reliqua Cleri communitas similiter cujuscunq; Diæc. per duos; & singula Capitula Ecclesiarum Cath. per unum, procuratores idoneos, coram nobis in Eccl. S. Pauli Lond. in crast. Translationis B. Thomæ Martyris sufficienter compareant, una nobiscum tractaturi & ordinaturi super remedio providendo in præmissis & subsidio competenti similiter impendendo, &c. Denuntiantes dictis Coepiscopis nostris, & per eos suis subditis sic vocandis denunciari, ipsosq; idonee præmuniri demandetis, super quo vos similiter præmunimus & vobis denunciamus, quod absentes in citatione prædictâ, nisi evidens impedimentum sufficienter probetur, tanquam inobedientes graviter puniemus, &c.

An. 131⁴/₅. Regni 9. the Clergy being summon'd to a Parliament at *Lincoln* for a Subsidy, there came but few of 'em thither, and they that came would grant nothing, but with a *Salvo*, as far as they might lawfully do it in the absence of their *Metropolitan* and of so many of their Brethren, and on this condition, that a Convocation should be call'd by the Archbishop's own Authority, and in a *due* (i.e. a Sacred) place. For they alleged, that as they ought to be summon'd by none but their *Metropolitan*, so they ought not to be summon'd as the *Laity* were to an *unblessed* Place. Of which I have spoken more fully where I treat of the *Parliaments* of this time. Accordingly the K. sends to the Arch-

Archbishop to summon a Convocation on the Quinden of Easter.

Fol. 73.

Edwardus, &c. Waltero Archiepiscopo Cant. &c.,
 Quidam Prælati & alij de clero Prov. vestræ Cant. quos
 ad interessendum Parlamento nostro ap. Lincoln. feci-
 mus summoniri, ibidem, ex parte nostra super subsidio
 nobis pro guerrâ nostra Scotiæ faciendâ requisiti, —
 ad subsidium nobis — faciendum, quatenus vobis ab-
 sentibus, cui subsunt, & in quorundam aliorum tam Præ-
 latorum quam Religiosorum & cæterorum de Clero dictæ
 Prov. absentia potuerunt, unanimiter consenserunt. Ita
 tamen quod tam ipsi quam alij de Clero vestræ Prov. qui
 in dicto Parl. præsentés non fuerunt, coram vobis ad tract.
 & consent. VESTRA AUCTORITATE interveniente,
 de certo subsidio nobis ut præmittitur faciendo, in LOCO
 DEBITO convocentur. Vestram igitur paternitatem re-
 verendam, de quâ fiduciam gerimus pleniorém, requi-
 rimus & rogamus, quatinus omnes Prælatos tam Reli-
 giosos quam alios cæterosq; de Clero Prov. vestræ supra-
 dictæ, quod sint coram vobis apud Lond. die Merc. prox.
 post quindenam Paschæ prox. fut. ad ultimum, ad tract.
 in vestrâ præsentia & una vobiscum consentiendum super
 subsidio memorato, convocari faciatis: apponentes, si placet,
 opem & operam efficaces, ut pro guerrâ nostrâ prædictâ
 ad præsens compètens subsidium nobis fiat. Mittemus au-
 tem ad vos ad diem prædictam quosdam de Consilio nost-
 ro ad responsionem vestram super dicto subsidio nostro no-
 mine audiendam & nobis postmodum reportandam. Teste
 M. ap. Lyncoln. XVI. die Feb. An. r. n. nono.

A Convocation being to meet (without the King's Writ) in Octob. following, the King sends to the Archbishop to demand a subsidy from 'em, he himself being then at York. (a) *Requirimus &*

(a) f. 74. b.

rogamus quatinus, ut competens subsidium pro felici & finali expeditione nostrâ Scotiæ, de vobis & vestris subditis nobis fiat, velitis amore nostri liberaliter consentire, & erga Suffraganeos vestros & cæteros de Clero Prov. vestræ Cant. qui die Dom. prox. post dictas Octab. Lond. ut accepimus, convenient coram vobis pro hujusmodi subsidio faciendo, apponere vijs & modis, quibus melius expedire videritis, opem & operam, efficaces
ap. Ebor. 2d die Octob. An. 2. n. X.

He wrote another Letter (a) with his own Hand directed to the Archbishop, & cæteris, Prælatiis ac Clero Prov. Cant. in instanti congreg. apud Lond. Conventuris, to excite 'em to a liberal contribution, Dated Octob. 4th. His Writ for the Collecting of the Subsidy, may be seen Fol. 75.

An. 1316. A Council was held, which *Will. de Dene* in his Hist. of Rochester, mentions. *Tandem de consilio Concilij Archiepiscopi & majorum Doctorum, &c.*

An. 1319. A Convocation was held at London in *Quindena Paschæ*, as a Parliament was at York a die Paschæ in mensem. A double *Procuratorium* by which different Proctors were sent to the Convocation and the Parliament, to represent the Chapter of Cant. may be seen in the Register (b) of Henry the Prior of that Church.

An. 1321. A Prov. Council was held at London about the Affairs of the Church, to which the King sent his Prohibition that nothing might be there Enacted to the prejudice of the Crown: *Rex ven. in Chr. Patribus W. eadem gratiâ Arch. Cant. &c.*

(a) Ibid. (b) f. 202. 203.

ac cæteris Episcopis & Prælatiſ Cant. Prov. ad Concilium Provinciale apud London. in proximo conventuris, &c. dat. 30 Nov. — de iſto negotio (ſays the (a) Record) ſcribitur præſatis Prælatiſ, per Literas de credentiâ, ut infra, in Rotulo Clauſarum ſub eadem Data continetur. In that Council were publiſhed (as it ſeems) thoſe Provincial Conſtitutions of Archbiſhop Reynolds which are extant under his Name in the 2d. Vol. of our Councils.

An. 1322. In a Council at Oxford he publiſhed other Conſtitutions, which are extant at the end of Lyndwood; which ſome erroneouſly aſcribe to Archbiſhop Mepham, as made in his Lambeth Council. In theſe Conſtitutions there is mention of a Punishment order'd lately in a Council to be inflicted on ſuch Priests who neglected to read the Banes for Marriages; which is not to be found in the formention'd Canons.

The ſame Year (1322.) the K. being at York in his Expedition againſt the Scots, commands the Archbiſhop to call a CONCILIUM PROVINCIALE at Lincoln for the granting of an Ayd. The Writ is dated Nov. 26. without ſetting any particular time, only *quantocius*; and without any *Præmunientes*: only in general he ſays. (a) *Vos rogamus mandantes etiam ac firmiter injungentes quod Concilium Provinciale Prælatorum & Cleri Prov. veſtræ prædict. — convocari faciatis.* The Register in the Margent has: *De Convocatione Cleri Lincoln. in Craſt. S. HILLARII.* What the Reſult of this Convocation was, we learn from *Will. de Dene's (c) Hiſtoria Roſſenſis.* Where the Anſwer

(a) Pat. 15. E. 2. part. 1. m. 8. ap. Concil. Tom. 2. p. 488.

(b) fol. 306. (c) p. 362.

given in to the Archbishop by the Inferior Clergy, as well *Secular* as *Regular*, is recorded. In short, they refused to grant any thing, and the Archbishop acquainting the K. with their Answer, certain *Justices* and other great Men were sent to 'em to perswade 'em partly by fair means, and partly by threats. But they could not be moved. The Historian tells us, that they *delivered* their Answer to the Archbishop and Prelats; but the Answer is directed to the Archbishop only: *Vobis Rev. Patri ac Domino Waltero* ——— *Clerus vestræ Prov. in istâ Congregatione præsentis, istam deliberationem suam exhibentes, humiliter supplicant & devote, &c.* This Convocation, as appears from the *Parliamentary Writs*, was held at a different time from the Parliament. That was held at *Rippon* the Sunday after *Festum S. Martini* (Nov. 11.) and from thence adjourn'd to *York*.

The next Year a Convocation being summon'd by the Archbishop to sit on the *Octaves of Hilary*, and a Parliament being to sit at the same time, the Convocation was put off to some other time by the King's Command (a).

An. 1326. Regni 20. the Archbishop having summon'd a Convocation without the King's knowledge to meet at *Lond.* and the K. having occasion at the same time to call a great Council at *Stamford*, he sends to the Archbishop to put off the Convocation to some other time.

Edwardus, &c. *Intelleximus quod vos Prælatos & Clerum vestræ Cant. Prov. ad interessendum Concilio vestro Provinciali apud Lond. ad quindenam instantis*

(a) Reg. Reynolds f. 308.

Festi S. Mich. tenere proponentes jam fecistis convocari, ac nos hujusmodi convocationis vestrae ignari pro magnis & arduis negotijs nos ac defensionem regni nostri tangentibus, cum QUIBUSDAM Prælati Magnatibus & Proceribus dicti regni ad dictam xv. apud Stamford Colloquium habere ordinavimus & tractatum, & NONNULLIS Prælati ac alijs de Consilio nostro dictæ Provinciæ dedimus in mandatis quod sint ad nos dictis die & loco, nobiscum ac dictis Prælati & Magnatibus super dictis negotijs tractaturi, suumq; Consilium impensuri. Nos advertentes dicta negotia nostra ex convocatione dicti Concilij, si ad diem prædict. teneretur, posse non absq; grandi periculo præpediri, vos rogamus ex affectu, vobis nihilominus in fide & dilectione quibus nobis tenemini firmiter injungentes, quatinus dictum diem Concilij vestri ad alium certum diem competentem juxta discretionem vestram prorogetis, & hoc Prælati & alijs de Clero dictæ Prov. per vestras literas intimare curetis, ut ipsi dictâ Convocatione vestra non obstante ad nos accedere valeant juxta mandata nostra eis inde directâ. Dat. ap. Dorchester xiv. Sept. An. r. n. xx.

Accordingly the Archbishop puts off the Convocation to the Day after the Feast of *All-Souls*. But tho' in his Mandate he recites the King's Writ, yet he does not so far own his Authority as to call it a *Command*; but he says, the K. earnestly requested him to do it: *nobis affectuose supplicavit.*

Adam Bishop of Worcester, Elect of Winchester in an Answer (a) made An. 1334. to certain Objections brought against him in Parl. mentions a Provincial Council held at London in January An.

(a) x. Script. Col. 2763.

1326. (in the time of a Parliament) by which a certain Clergy-man was to have been tried and condemn'd for notorious Crimes, if he had not been rescued out of Prison.

Convocations in the Reign of Ed. III. under Reynolds, Mepham, Stratford, Islip, Langham, Wittlesey, Sudbury, Archbishops.

IN the beginning of the Reign of Ed. 3. a Convocation was called by the King's command at *Lincoln* for Aid against the Scots, but neither the Archbishop, nor the major part of the Bishops and Clergy, being there present, nothing was done. And therefore by another Writ (in (a) French) Dat. Sept. 22. Regni 1. the Archbishop is required to call another at *Leicester*. *Coepiscopos & Confratres* (says the Archbishop in his (b) Mandate) *ac ceteros Prælatos & Clerum nostræ Prov.* — *nuper juxta dictum Breve Regium nobis super hoc directum, apud Lincoln. fecimus evocari. Et quia die & loco in Convocatione hujusmodi assignatis neq; nos neq; confratrum nostrorum major pars, neq; alij de Clero nostræ Prov. quibusdam certis ex causis, nostram præsentiam adhibere poteramus personalem, Coadunatis ibidem tam Prælati quam Proceribus & cæteris super hijs prudenti revolutione tractantibus, tandem consultum honestum & expediens omnibus videbatur, novam Convocationem faciendam fore occasione præmis-*

(a) fol. 208. (b) f. 207.

forum. — Quocirca — mandamus, &c. viz. quod Episcopi, Decani, & Priores in Ecclesijs Cath. præsidentes, necnon Abbates exempti & Archidiaconi personaliter; cæteri verò Abbates & Priores PRO SE & CONVENTIBUS suis PER SE aut per Procuratores, &c. — coram nobis in Domo Capitulari Abbatiae apud Leycester die Merc. prox. post commemorat. Animarum, viz. prid. Non. Novemb. sufficienter compareant una nobiscum tractaturi & ordin. — Denuntiantes dictis Coepiscopis nostris & per ipsos suis subditis sic evocandis denuntiari demandetis, quod absentes citatos in termino prænotato, nisi evidens impedimentum sufficienter probetur tanquam inobedientes graviter puniemus. The French Writ does not mention to the particular Clergy, only it mentions in general that he would have a Convocation of the Clergy call'd.

The Archbishop being indisposed and not able to come to this Convocation, deputes the Bishops of Lond. and Winchester to supply his place.

Fol. 207.

W. &c. Ven. Fratribus nostris Dominis S. & I Dei gr. Lond. & Wint. Episcopis, &c. Quia in Convocatione Prælatorum & Cleri nostræ Prov. Cant. apud Leycestriam die Merc. prox. post Festum Commemorationis Animarum facienda, ac etiam in tractatu super Domini nostri Regis & Regni negotijs in eadem Convocatione habendo, in itinere constituti, propter supervenientem Corporis invaletudinem die & loco prædictis nostram non possumus, de quo graviter angimur, exhibere præsentiam personalem, de vestra amicitia & circumspectâ industriâ firmam fiduciam optinentes, ad tenendum locum nostrum in Convocatione & tractatu prædictis ac etiam agenda ibi negotia quatinus ad nos attinet una cum cæteris ven. Fratribus & Coepiscopis nostris ac Clero totius nostræ Dioc. & Prov. nostræ Cant.

Cant. in eadem Convoc. præsentibus pertractandum, necnon hijs quæ de consensu omnium ad laudem Dei & honorem Domini nos. Regis & totius Reip. utilitatem salubriter ibidem ordinari contigerit, nostro nomine consentiendum, cæteraq; omnia & singula facienda quæ juxta naturam tractandorum fuerint facienda, & nos si personaliter interessemus facere deberemus. Vobis conjunctim & divisim & utriq; vestrum in solidum, tenore præsentium committimus vices nostras. Rogantes specialiter & obnixè Frateritatem vestram quatinus Commissiones hujusmodi benigne velitiscipere, & in dicto negotio procedere vice nostrâ. Ratum enim habebimus & firmum quicquid nomine nostro feceritis, seu fecerit unus vestrum in præmissis. In cujus rei, &c. Dat. apud Mortelake vi. Kal. Nov. A. D. MCCCXXVII.

The same Commission he granted the Bishop of Ely by himself; and another in the same form to the Bishop of Lincoln: *Consimilis Commissio emanavit Episcopo Elyensi pro se tantum. Item consimilis Commissio emanavit Episcopo Lync. sub Dat. prædicta*

The same Day he sign'd a *Procuratorium* to 2 other inferior Clergy-men to act for him in the same Convocation.

Universis sanctæ matris Ecclesiæ filiis ad quorum notitiam pervenerit hæc scriptura, W. &c. salutem, &c. Quia in Convocatione Prælatorum & Cleri nostræ Cant. Prov. apud Leycestriam die Merc. &c. & tractatu Regis & Regni negotijs in eadem, &c. discretos viros Magistros Gilbertum de Middieton, Archidiacon. Northamp. Officialem nostrum, & Johannem de Britton Canonicum in Eccl. Well. Clericos nostros & eorum singulos per se & in solidum nostros facimus & constituimus veros & legitimos Procurat. ac etiam ponimus loco nostri, ad comparendum nomine nostro in eadem Convoc. & tractatu, agenda ibi negotia, &c.

(ut supra usq; ad facere deberemus) *Ratum habentes & firmum quicquid ijdem Procuratores nostri aut eorum unus procuratorio nomine fecerit in præmissis, &c.*

The Registers of the 3 next Archbishops, *Mepham*, *Stratford*, and *Bradwardin* being lost, I have little to say of their times, from 1327. to 1349.

An. 1328. Archbishop *Mepham* publish'd his Provincial Constitutions in a Council held at *Pauls* on the *Friday* after the Conversion of *S. Paul*. *Walsingham* (a) mentions this *Prov. Council*, and tells us, that there the Archbishop ordain'd some things *licet modicum ponderanda*. He was made Archbishop 4 *Cal. Maij*. 1328. and died 1333.

In another Council held at *Lambeth* he publish'd other Constitutions, which are extant in the 2d Vol. of our *Councils*. The former may be seen not only there, but at the end of *Lyndwood*.

There is extant another Constitution concerning *Holy-days* to be observ'd in the Church, publish'd by his own and the Bishops Authority only, at *MAGHEFELD* 16. *Cal. Aug.* 1332. *FRA-TRUM nostrorum Concilio*.

An. 1330. Archbishop *Mepham* being required by the K. to summon the lower Clergy of his Province to a Parl. at *Winchester*, cited 'em to appear *coram nobis* and in the *Cathedral Church* there. Of which I have already spoken among the Parliaments.

(a) *Hist. Angl. ad An.* and again *Ypodig.* p. 510.

The same Year a Convocation was held at Lambeth on the Quinden of Easter, for the granting of a Subsidy, where the Archbishop's Official presided in his absence. Mention'd by Will. de Dene in his (a) *Historia Roffensis*.

An. 1332. says the *Antiquitates Britannicæ* Archbishop Mepham having begun his Metropolitcal Visitation, *Parlamentum à Rege convocatum est. Eoq; inchoato Cleri Concilium sub Archiepiscopo celebratum Londini. A quo Concilio spreto Archiepiscopo ilico decessum est, rebus nullis ne à Rege quidem impetratis aut sollicitatis gestis.*

An. 1333. the Monday after Sept. 14. in the time of a Parl. a Convocation was held at S. Pauls; mention'd by *Walsingham*.

In (b) the *Rights of Convocations* there is mention of a Provincial Mandate of Archbishop Mepham, An. 1328. where there is this Clause: *Proviso quod singuli Episcopi antequam Diœceses suas egressi fuerint (towards a Provincial Council) cum suo Clero deliberent & inquirant sagaciter de Gravaminibus & Defectibus dicti Concilij studio reformandis.* And to the same purpose another of Stratford's Dat. 10. Kal. Aug. 1341. These are extant, I suppose, in the Registers of the Bishops of London.

An. 1334. a Convocation was held at S. Pauls at the same time that the Parl. sat at *Westm.* viz. on Monday after the 14. of Sept. Another Convocation was held post Festum S. Matthæi. They are both mention'd in a *Procuratorium* (c) in these Words: *Prior & Capit. constituunt Procura-*

(1) p. 370. (b) p. 273. (c) Append. Rights of Convoc. ex Reg. Oxinden f. 32.

tores suos — ad comparendum — in Ecclesiâ S. Pauli — die Lunæ post Festum Exaltationis S. Crucis — super arduis — in Parlamento apud Westm. dicto Die & loco tenendo diffusius pertractandis, necnon ad consentiend. — Facimus etiam & constituimus dictos Fratres Procur. ad comparendum — post Festum S. Matthæi — coram ven. Pre — in Eccl. S. Pauli. Dat. Sept. 1334.

The first of these 2 appears to be a Parliamentary Convocation, and was called in the same manner with that of Archbishop Mepham. The King's Writ requiring the Archbishop (Stratford) to summon the Clergy of his Province to the Parl. is still in the Close Roll of 9. Ed. 3.

An. 1335. as in the former Year, while the Parl. sat at Westm. the Convocation met at Pauls, mention'd likewise in a *Procuratorium* (a), Dat. in Feb.

An. 1337. in the time of Parl. a Convocation was held by Archbishop Stratford. *Rex Parliamentum tenuit in quo Archiepiscopus Cant. Concilio Cleri celebrato Regi Decimam triennalem à Clero concedi obtinuit.* Antiq. Britan.

An. 1341. in a Synod held in the Cathedral Church at Cant. on the Festival of the Translation of S. Thomas the Martyr, Archbishop Stratford publish'd certain Constitutions. *Præsentis autoritate Concilij noverint se suspensos.* He there publish'd an Excommunication against the Infringers of the Church's Liberties, and of *Magna Charta*; which the K. who was at that time his great Enemy,

(a) Ibid.

Complains of, as reflecting upon Him, in his Declaration which is extant in *Birchington* (a). His Mandate is still extant Dat. 10. Kal. Aug. which (b) begins thus: *Quamvis sit Sacris Canonibus constitutum quod Metropolitani, Archiepiscopi, & Primates annis singulis legitimo impedimento cessante, pro excessibus corrigendis, & Moribus reformandis, debeant Provinciale Concilium celebrare, &c.* he adds, that he had omitted to call a Provincial Council for those purposes for 8 Years together, that is, from the very beginning of his Pontificat.

In another Synod held at LAMBETH 5. Id. Maij, 1342. he publish'd many other Constitutions. They are said to be publish'd by him in *præsentia COMPROVINCIALIUM EPISCOPORUM* London. Cov. & Lichf. &c. & *Procuratorum cæterorum EPISCOPORUM absentium sufficienter comparentium tunc ibidem.* And afterwards, *Nos Johannes, &c. utile fore prævidimus auctoritate præsentis Concilij, de FRATRUM ET SUFFRAGANEORUM EPISCOPORUM nostræ Cant. Prov. Consilio & Assensu.*

The same Year again he publish'd others in a Synod held at S. Pauls on the Wednesday after the Feast of S. Edward K. and Martyr, in *præsentia* (as the Decree it self tells us) *Dominorum Radulfi* London, &c. (10 other Bishops are named) & *Procuratorum cæterorum EPISCOPORUM absentium sufficienter comparentium.* ——— *Nos Johannes, &c. invocata Spiritus S. gratia, utile fore prævidimus, AUCTORITATE CONCILII PRÆSENTIS, de FRATRUM Suffraganeorum Coepiscoporum nostræ Cant. Prov. consilio & assensu.*

(a) Angl. Sac. Vol. I. p. 27. (b) Rights of Convoc. 65.

These Constitutions are all extant in the Collection of our Councils, where there are also some others, said to be publish'd at London in a Prov. Council, 10 Octob. 1342. But they seem to belong to the Synod last mention'd, and because they were publish'd by themselves, they had the Title of *Extravagantes* given 'em, as we are told in the Edition at the end of *Lyndwood*. In those it is said: *Nos FRATRUM NOSTRORUM CONCILII assensu & consilio decernimus.*

In all these Councils there is not the least mention of any besides Bishops, unless perhaps in those Words; *auctoritate Concilij præsentis, de Fratrum*, &c. Archbishop Mepham's Constitutions of An. 1328. run in the same Words: *Auctoritate præsentis Concilij, de Fratrum Suffraganeorum consensu.*

II. E. 3. a Convocation was by the King's Writ (a) order'd to be summon'd to S. Pauls some few Days after the Parl. was to meet at Westm. It is mention'd by *Walsingham ad An. 1337.*

Of a Convocation held 18. E. 3. in obedience to the King's Writ, at S. Pauls on the *Morrow of Trinity* above a Week before the Parl. sat at Westm. but about the same business, viz. a Subsidy I have spoken in the former Part.

An. 1346. after *Easter* Rex habuit *unam decimam de Clero*, says *Knighton*, (b) i. e. in a Convocation. He mentions another granted the same Year (c) in time of Parliament.

(a) Cl. 11. E. 1. parte 2. Dorf. (b) Col. 2585. (c) Col. 2591.

An. 1351. 25. Ed. 3. (a) the 2d Year of Archbishop Islip, May 2 (b), a Convocation was called by the King's Command for a Subsidy, out of Parl. The King's Writ: *Qualiter negotia tam nos & statum regni nostri quam necessariam defensionem ejusdem contingentia, ac onera nobis propter hoc incumbentia, vobis & alijs in præsentì Parl nostro existentibus, plenius exposuimus, vos non latet.*———
à vobis & alijs de Clero Diœc. & Prov. vestræ in dicto Parl. tunc præsentibus nobis concedi petivimus. Rogando mandamus quatinus —dictos Suffraganeos vestros Decanos, & Priores Ecclesiarum Cathed. Abbates & Priores & alios Electivos Exemptos & non Exemptos, necnon Archid. Capitula, Conventus & Collegia, totumq; Clerum cujuslibet Diœcesis ad comparandum (coram) vobis —convocari faciatis, —Ap. Westm. 1 Mart. r. n. Angliæ 25. Franciæ 12.

The Archbishop's Mandate to the Bishop of Lond. Simon, &c. *Quum à primordio nostræ promotionis ad dignitatem cui quamvis immeriti præsidemus jugiter nostro insidebat desiderio pro aliquibus ad pacem, tranquillitatem, utilitatem Ecclesiæ Anglicanæ tendentibus salubriter statuendum, Confratres nostros, aliosq; Prælatos & Clerum nostræ Prov. convocasse, ex aliquibus tamen causis nos moventibus hujusmodi Convocationem facere hucusq; distulimus, nunc autem tam ad instantiam Domini nostri Regis nobis eâ occasione scribentis, quam propter utilitatem Cleri & Ecclesiæ de consilio & assensu Suffraganeorum nostrorum in ultimo Parl. nostro præsentium, Confratres, Prælatos, & Clerum dictæ nostræ Cant. Prov. ad diem & locum infra scriptos duximus convocandum. The King's Writ recited, he adds: Quocirca———mandamus——qua-*

(a) Reg. Islip. f. 42. b. (b) fol. 49.

tinus venerabiles fratres nostros Coepiscopos, ELECTOS CONFIRMATOS Suffraganeos nostræ Cant. Ecclesiæ, absentiumq; Vicarios si qui fuerint citetis peremptorie, & per eos, Decanos & Priores Ecclesiarum Cath. Abbatibus & Priores alios Electos sub se plenum Conventum habentes, &c. quod compareant coram nobis vel nostro COMMISSARIO in Eccl. S. Pauli Lond. die Lunæ prox. post Dominicam qua cantatur officium, &c. Dat. ap. Lambeth vii. Id. Mart. an. &c.

The Year following, viz. 1352. the Archbishoprick being over burden'd with Debts, the Archbishop by Authority from the Pope, in a Meeting of the Bishops in time of Parl. requires a contribution of all the Clergy of his Province. None but Bishops are mention'd as present upon this occasion (a). *Simon, &c. Willielmo Winton. Episcopo. — Nuper Suffraganeis nostris & confratribus ad Concilium Domini nostri Domini Edwardi, &c. post Festum Assumpt. B. Mariæ Virg. ultimo præteritum Lond. Congregatis, vobis & alijs nostris confratribus antedictis tunc nobiscum præsentibus, ac absentium procuratoribus ibidem comparentibus intimari & exhiberi fecimus, &c. — Nos tamen vobiscum & cæteris nostris Suffraganeis & confratribus, absentiumq; in dicto Concilio Procuratoribus tunc præsentibus, habitâ deliberatione sollicita, longeque pretiosius & nobis cordialius fore censes quod ex — libertate arbitrij quam quod ex impositionis cogente necessitate cum tacito forsan murmure præstaretur, vestris ac cæterorum nostrorum Suffragan. & confratrum tunc præsentium & procuratorum absentium suasionibus inclinantes, & non nostris parcentes necessitatibus, sed vestris & cæterorum præmissorum desiderijs totaliter inbærentes,*

(a) Ibid. f. 59. b.

prædictum auxilium ad sex denar. sterlingorum de Marca, &c. — Quocirca vestram Fraternitatem rogamus ex corde vosq; hortamur in Domino quatinus viros Ecclesiasticos vestræ Diœc. non exemptos seculares & Regulares — moneatis & inducatis, &c. — A quorum processum — Vigore quod non solventes — vestrisq; monitionibus in hac parte canonice faciendis eisdem inobedienter non parentes, recedere non intendimus. — Dat. apud Maidenstan iv. Id. Sep. An. 1252. Consec. n. 3.

An. 1356. May 16. a Synod or Convocation sat at S. Pauls without any Writ from the King.

Fol. III. 117.

Simon, &c. Michaeli Lond. Episcopo, &c. Sacrorum Canonum traditiones, ardua; negotia manifestam Ecclesiæ necessitatem concernentia, de quibus Fraternitati vestræ cæterisq; Confratribus & Suffraganeis nostris pro Parlamento nuper apud Westm. ultimo convenientibus innotescit ad plenum; nos vehementer excitant & compellunt ut absq; moræ dispendio quantum congrue poterimus, de Dei misericordiâ, ope, & gratiâ confisi, Provinciale Concilium celebremus. Quocirca — mandamus quatinus citetis Coepiscopos, &c. & per eos Abbates, Priores Electivos, etiam Exemptos, saltem quorum Monasteria Ecclesiastica beneficia in ipsa nostra Prov. habuerint non exempta, Decanos, Præpositos Cathed. & Collegiatarum Ecclesiarum, &c. — Concilium tunc ibid. nobiscum juxta sacrorum exigentiam Canonum celebraturi, ac super hijs quæ communem Ecclesiæ, necnon eorum necessitatem & utilitatem concernunt tunc exponendis coram eis Consilium suum providum impensuri, facturi & recepturi quod ipsum sacrum Concilium Divinâ assistente providentia duxerit ordinandum. Intimantes eisdem quod contra absentes in formâ Canonica procedemus, nullius sic absents excusationem penitus ad-

admissuri, nisi quatinus ad hoc nos artaverint Canonice sanctiones, præsertim cum ad idem Concilium de communi consensu nostrum omnium sic ut præmittitur convenientium diligenti tractatu super hoc inter nos præhabito deliberatoq; consilio visum fuerit procedendum. Denunciantes & denunciari facientes in genere, cæteris omnibus qui se gravatos senserint, quod in casibus illis quorum correctio seu reformatio ad Concilium hujusmodi pertinere dinoscitur, audientia efficax per Divinam clementiam eis in formâ debitâ concedetur, & fiet in omnibus justitiæ complementum, &c. Dat. Kal. Feb. 1355. nostræ Consec. 7.

The Record (a) observes that of 17 Suffragans of the Province, only 8 were there in person, the rest by their Proxies: *Isti vero Domini per Procuratores comparentes minus sufficienter comparuerunt, quod nullam excusationem per literas aut per Procuratores eorum destinarunt aut proposuerunt, contra c. placuit. xviii di.*

The Acts of the Synod.

Quibus die & loco prædictis Dominus Archiepiscopus Missam in majori altari dictæ Ecclesiæ S. Pauli celebravit, præsentibus ibidem Lond. Exon. Elyen. & Roff. Episcopis Pontificalibus indutis, ac post missam solempniter celebratam, verbum Dei proposuit, assidentibus eidem Episcopis supra prox. nominatis, necnon Winton. Lincoln. & Assaven. ac prædicatione hujusmodi finitâ, continuavit dictum diem cum die crast. tunc seq. cum præsentibus, & absentes expectavit ad idem faciendum, quod tunc forent facturi in Ecclesiâ S. Pauli prædictâ. Quo die crastino viz. Die Martis, xvii. Die Mensis Maij prædict. dicto Dno. Archiepiscopo & Episcopis superscriptis in capellâ B. Mariæ Virg. Matris Dei in Ecclesiâ S. Pauli

(a) Fol. 117.

prædict. alijs vero Episcopis Provinciæ per procuratores suos comparentibus, lectis literis certicatorijs Dni. Lond. Episcopi qui ad mandatum præfati Dni Archiepiscopi omnes Episcopos Cant. Provinciæ prædictæ citavit, comparuerunt ibidem nobiles viri Dni. Radulfus Comes Stafford, Walterus de Manny, Willielmus de Sharshul & Hen. Grene Justic. Dni. Regis, Dominus Jo. de Grey Senescallus Domus Regis, Thomas de Holand, & Dominus Jo. de Wynwyk Thes. Ecclesiæ Ebor. Custos privati sigilli Dni. Regis, & factâ per dictum Dominum W. de Sharshul intimatione ne quid per Concilium hujusmodi in præjudicium Dni. Regis jurisve regni sui. Tandem dictus Dominus W. de Manny expositis per eum diffuse negotijs Regis & periculo regni, petijt nomine Regis quod Prælati & Clerus Provinciæ concederent Regi decimam sexennalem, & quod solveretur infra triennium. Et subsequenter Prælati & personis juxta certificationem Episcoporum exhibitam citatis palam & publice præconizatis, & prout describitur in cedulâ eisdem literis certicatorijs annexis comparentibus, quibusdam vero ipsorum non comparentibus Archiepiscopo vero prædicto & cæteris Episcopis in domum Capitularem Ecclesiæ S. Pauli prædict. se divertentibus & ibidem tractantibus; Abbatibus, Prioribus, Decanis & alijs una cum Procuratoribus Cleri in dictâ domo Capitulari remanentibus, & post intervallum temporis coram præfato Domino Episcopo & suis Coepiscopis prædictis comparentibus, idem Dominus Archiepiscopus continuavit Concilium hujusmodi & omnia expedienda in eodem usq; diem crastinum tunc sequentem, expectando absentes; & injunxit Religiosis & alijs de Clero quod die tunc crastinâ prædictâ proponerent petitiones suas. Quo die crastino, viz. xv. Kal. Junij præfat. venerab. patribus Dominis Archiepiscopo & cæteris Suffraganeis suis, excepto Winton. ut præmutitur comparentibus una cum Religiosis & Clero comparentibus, in domo Capitulari Ecclesiæ S. Pauli insimul congregatis, comparuit etiam Dominus

minus Johannes Hereford. Episcopus, & certificavit pro suis civitate & Diœcesis. Habita altercatione & calumpniâ super Certificatorio Linc. Episcopi (so I think it ought to be read) propositisq; quibusdam petitionibus per Clerum tam vivâ Voce quam in scriptis, & habita disputatione super ipsis, tandem idem Dominus Archiepiscopus fecit continuationem & expectationem sicut prius usq; diem tunc crast. seq. viz. xiv. Kal. Junij. Quo die in domo Capitulari prædict. dictis Dominis Archiepiscopo Lond. Wynt. Exon. Roff. Heref. Linc. Elyen. & Assaven. Episcopis una cum Clero Cant. Prov. invicem congregatis, exhibito per partem Linc. quod alio certificatorio consimilis tenoris cum primo & utroq; reprobato atq; repulso, pro eo præcipue quod non auctoritate Dni Cant. sed potius propriâ, illos (a) de Diœcesi suâ vocavit ad Concilium, tandem exhibito pro ipso Episcopo tertio certificatorio, per quod apparuit quod exequebatur mandatum Domini in forma sibi demandatâ, idem Dominus Linc. promisit quod citati per ipsum, de quibus certificavit, obedi- rent faciendis & ordinandis in Concilio supradictò. Et lectis ac discussis quibusdam petitionibus & responsis datis ad easdem, tandem facta fuit continuatio & expectatio sicut prius usq; diem tunc crast. Quo die crast. viz. xiii. Kal. Junij dictus Dominus Archiepiscopus commisit vices suas Episcopo Lond. sub formâ sequente.

Simon permissione div. &c. Michaeli d. g. Lond. Episcopo, &c. Quin infirmitate corporis detineamur ad præsens quo minus in Concilio Provinciali in Ecclesiâ S. Pauli convocato & inchoato pro præsentî die Veneris, viz. xiii. Kal. Junij interesse possimus, ad procedendum eodem die in dictò Concilio & negotijs in eo expositis & delatis, exponendis seu deferendis, & faciendum in eis justi-

(a) The then Bishop of Linc. had a Privilege granted him by the Pope, to be exempt, together with his Diocese, from the Archbishop's Jurisdiction.

tice complementum, necnon ad continuandum & prorogandum dictum Concilium ad dies ulteriores sequentes, ac etiam ad faciendum, expediendum, & exercendum quæ circa præmissa necessaria fuerint seu opportuna, vobis vices nostras committimus cum coercionis canonice potestate. Dat. apud Lambeth xiii. Kal. Jun. A. D. MCCCCLVI. & n. Consec. vii.

Quâ quidem Commissionē lecta in domo Capit. prædictâ in præsentia Heref. Assav. Linc. Elyen. & Ross. Episcoporum & Cleri ibi congregati, idem Dominus Lond. continuavit dictum Concilium & omnia negotia pendencia in eodem in statu quo tunc fuerant usq; diem tunc crast. viz. diem Sabbati xii. Kal. Jun. & decrevit absentes fore expectandos & ipsos expectavit usq; diem prædictum. Quo die Sabbati dictis Dominis Archiepiscopo, Lond. Oxon. Heref. Linc. Elyen. Assav. & Ross. Episcopis unâ cum Clero dictæ Prov. specialiter congregatis in domo Capit. prædict. lectis & discussis nonnullis petitionibus tandem idem Dominus Archiepiscopus dictum Concilium & omnia expedienda in eodem continuavit usq; diem Lunæ prox. tunc seq. & similiter absentes expectavit. Quo die Lunæ, viz. xxiii. die Mensis Maij dictis Dominis Archiepiscopo & cæteris Suffrag. suis prædic. una cum Prælati & Clero Provinciæ in loco prædicto insimul congregatis, Clerus ad petitionem ex parte Regis factæ responsionem dedit in scriptis, sub formâ seq.

Vobis reverendis in Christo patribus Dominis dei gr. Archiepiscopo Cant. vestrisq; Suffrag. ad celebrandum Concilium Provinc. juxta sacrorum instituta Canonum congregatis, supplicat humiliter & devote Clerus Cant. provinciæ, quatinus pio sibi compatiētes affectu rationes suas & motiva infra scripta clementer auscultare dignemini & eis in examine circumspiciendæ discretionis vestræ diligentius ponderatis, petitiones ejusdem Cleri admittere gratiose.

In primis cum in ultimâ Convocatione Prælatorum & Cleri ejusdem Provinciæ circa enormia gravamina dicto Clero illatis proposita fuerint & ostensa, super quibus petitum fuit à Domino nostro Rege remedium, & sub certis modis & conditionibus ad jectis & non impletis, & inter cetera quod in proximo ex tunc Parlamento reformatio fieret eorundem; Idem Clerus concessit dicto Domino Regi decimas biennales, sed interim in prædicto & alijs Parliamentis quæ extunc citra fuerunt, licet dicta decima sit soluta, nullum omnino extitit remedium ordinatum.

Item cum reverendi patres duo Cardinales sedis Apostolicæ Legati ad regna Franciæ & Angliæ in brevi, ut dicitur, sint venturi pro quibus ac etiam pro rev. viro Domino Simone de Sudburia Nuncio dictæ Sedis, indubitanter à Clero procuratio exigetur.

Item cum beneficia Ecclesiastica dictæ Prov. & eorum fructus vix ad medietatem ejus quod valere solebant hijs temporibus se extendant.

Item cum lanarum Domino nostro Regi in ultimo Parl. per communitatem Laicorum pro sex annis concessa, de facto magis tendat, licet de jure tendere non debeat, ad grave onus Cleri, quia DICTO PARLIAMENTO NON PER CONTUMACIAM ABSENS erat, quam Laicorum à quibus concessum fuerat, quod in dictis 6 annis ab eis peti non debet aliqua quinta-decima seu collecta.

Placeat benignitati vestræ absq; ulteriori onere hac vice Ecclesiæ imponendo ipsum Clerum, qui dicto Domino Regi semper devotus extitit & ipsum nunc in quantam potuit, ne deterioris conditionis existat quam communitas laicorum, habere se libeat excusatum, & præmissa pro plena & finali responsione Cleri admittere, ipsi quoq; Clero assistere, & ipsum erga Dominum nostrum Regem in hac parte excusare.

Factaq; suassione per Dominum Archiepiscopum & alios Episcopos dicto Clero quod consideratis expositis ei
pro

pro parte Regis, super meliori responsione deliberarent usq; diem Martis tunc crastinum; idem Dominus Archiepiscopus Concilium hujusmodi & expedienda in eodem continuavit in statu quo tunc fuere & absentes sequenti fore expectandos ad diem prædictum Martis. Quo die Martis, viz. xxiv. die dicti Mensis Maij, dictis Dominis Archiepiscopo, Lond. Wynt. Elyen. Linc. Assav. & Ross. Episcopis una cum alijs Prælatiis & Clero dictæ Prov. loco prædicto constitutis Clerus ejusdem provincie ad petitionem Regis in scripto prout sequitur finaliter respondebat. Cujus scripturæ tenor sequitur in hæc verba.

Licet responsiones Cleri prædictæ datæ sint vere & valide rationabiles atq; justæ, nihilominus ob reverentiam Domini nostri Regis & sinceræ devotionis affectum quem habent prout semper hætenus habuerunt, ad captandam illius benevolentiam gratiam & favorem, requisitionemq; Prælatorum in præsentis sacro Concilio præsentium, idem Clerus concedet dicto Domino nostro Regi sub formâ quæ sequitur decimam tantum unam, viz. quod sub spe reformationis infrascriptorum gravaminum efficacis, medietas ejusdem decimæ solvatur ad Festum S. Andreæ prox. jam fut. Et quod antequam alia medietas exigatur quomodolibet vel solvatur dictus Dominus noster Rex per suum sanum & prudens consilium gravamina Ecclesiæ Prælatorum, & Cleri in dicto sacro Concilio exposita & ex quibus & per quæ censura Ecclesiastica & claves Ecclesiæ contemnuntur, quinimmo fides periclitatur Catholica, & maxime concernitur periculum animarum, mandat & faciat effectualiter reformari, ac libertates & jura ac jurisdictiones S. Matris Ecclesiæ more Christianorum Principum antecessorum suorum Regum Angliæ, subductis & revocatis novis gravaminibus in statu suo antiquo & debito conservari. Quo factò efficaciter & impleto, alia medietas dictæ decimæ ad Festum nativ. S. Johannis Bapt. prox. post Festum S. Andreæ prædictum

& non aliter persolvetur. Non intendit tamen dictus Clerus nec vult quod pauperes qui dictam decimam propter evidentem inopiam solvere non valebunt, ad præstandam eandem aliquo modo teneantur. Super quâ inopiâ nudæ relationi seu certificationi Episcoporum singulariter in suis Diœcesibus singulorum absq; probatione quâcunq; alia, fides detur.

Quâ quidem responsione datâ idem Dominus Archiepiscopus omnes citatos ad idem Concilium qui illo die non comparuerunt, ut tenebantur, pronunciavit contumaces, PÆNÂ SIBI RESERVATÂ.

Knyghton ad An. 1356. speaks of the Clergy as granting a Tax in Parliament, i.e. in Convocation: *Rex habuit Concilium Londonijs, & petijt de Clero decimam sexennalem, &c.*

A Convocation (a) An. 1357. in S. Brigs Church Lond. for the granting a Subsidy, by the King's desire. The Writ not recited.

In the Archbishop's Mandate. — *Rex — suis literis nos rogavit quatinus ad brevem diem post instans Festum Paschæ Clerum nostræ Prov. coram nobis faceremus specialiter evocare. — Nesq; SUPPLICATIONEM hujusmodi rationabilem reputantes — Quocirca — Mandamus — compareant coram nobis vel nostro Commissario die Merc. prox. post Dominicam quâ cantatur Officium, — in Eccl. S. Brigidæ Lond. — Dat. apud Maghsfeld. vi. Kal. Martij A. D. MCCCCLVI. & n. Cons. viii.*

A Convocation in S. Pauls die Lunæ prox. post Festum Purif. B. Mariæ Virg. An. 1359. for the granting a Subsidy (per Episcopos & Clerum) is mention'd Fol. 191.

Another Convoc. (b) in St. Pauls the same Year, viz. 1359. call'd by the King's Writ (which is re-

(a) f. 131. (b) f. 155.

cited in the Archbishop's Mandate) for a Subsidy against the Scots, &c. In which Writ the K. excuses himself, and promises that what they do for him, shall not be made use of as a Precedent.

Simon, &c. *Episcopo Lond. &c. Quamvis à tempore quo Cant. Ecclesiæ Domino disponente præsumimus, licet immeriti & indigni, corditer optassemus Prælatos & Clerum dictæ nostræ Prov. à laboriosis & sumptuosis Convocationibus & vexationibus præservare, ipsosq; in quiete fovere ut altissimo Regi Regum possent liberius deservire, urgentia tamen & grandia pericula, multipliciter licet anxios nos compellant, Prælatos & Clerum Cant. nostræ Prov. quorum tam communiter quam singulariter in hac parte interesse vertitur propterea specialiter convocare. Ad hoc etiam literas Regias recepimus in hæc verba, Edwardus, &c. Considerantes gravia pericula, &c. — Vos rogamus quod attentis periculis hujusmodi Episcopos & Clerum vestræ Prov. tam exemptos quam non exemptos ad citius quo poteritis in loco competenti convocari, & inter vos & ipsos de aliquo salubri remedio pro conservatione & defensione Ecclesiæ & regni prædictorum contra pericula prædicta ordinare curetis, ut ex hoc tam vobis quam dicto Clero in vestris agendis teneamur specialius in futurum — Nolumus enim quod id quod sic ad rogatum nostrum feceritis cedat vobis aut dicto Clero in præjudicium aut libertatis Ecclesiasticæ læsionem, vel trabatur in consequentiam in futurum. Teste Thoma filio nostro charissimo Custode Angliæ apud Wodestoke xxii. die Novemb. An. r. n. Angl. xxiii. regni vero nos. Franc. xx. Fol. 343. b. its added. Per ipsum Custodem & Consilium.*

Quocirca — mandamus — quatinus — Episcopos omnes & Singulos — & electos Confirmatos si qui fuerint & absentium hujusmodi Episcoporum Vicarios in spiritualibus generales & Custodem nostrum Spiritualitatis in Civitate & Dioc. Covent. & Lichf.

sede ibidem vacante generalem, citetis & peremptorie & per eos Decanos & Priores Eccl. Cathed. ac singula Capitula, Archidiaconosq; Abbates, & Priores Conventus sub se habentes, & ALIOS Ecclesiarum PRÆLATOS Exemptos & non exemptos, Clerumq; — quod iidem compareant coram nobis aut nostris in hac parte locum tenentibus seu Commissario, si nos tunc quod absit impediti contigerit, in Eccl. S. Pauli Lond. die Lunæ prox. post Festum Conversionis S. Pauli prox. fut. ad tractandum nobiscum — Prælati etiam Ecclesiarum exemptarum non mendicantibus vestræ ac aliorum Coepiscoporum dictæ nostræ Prov. Diœcesis cujuscunq; fuerit ordinis, per vos & dictos confratres nostros, prout vos & unumquemq; ipsorum concernit, volumus intimari ut præfatis die & loco absq; suorum privilegiorum in hac parte præjudicio quibus per hoc derogari nolumus, nobiscum intersint facturi in præmissis & ea tangentibus quod superius est expressum. Verum quia CONFRATrum & Coepiscoporum nostrorum prædictorum & aliorum Prælatorum dictæ nostræ Prov. aliqui à Provinciali nostro Concilio ultimo celebrato absentarunt voluntarie & absq; causâ, quorum præsentiam fuisse non ambigitur profuturam, volumus & intimamus quod intimetis seu denunciari faciatis dictæ nostræ Prov. COEPISCOPIS & CONFRATRIBUS ac Vicarijs hujusmodi, Decanis, Abbatibus, Prioribus & cæteris Ecclesiarum Prælatiis supradictis, quod eos à personali comparitione in hujusmodi Congregatione, dictis die & loco per nos seu nostrâ auctoritate Deo annuente celebranda, habere non intendimus excusatos istâ vice, nisi ex causâ necessariâ tunc ibidem allegandâ & probandâ; sed eorum contumacia, si qui forsitan absentes fuerint secundum juris exigentiam Canonice punietur. — Dat. apud Ottelord vii. Kal. Dec. An. MCCCCLIX. & n. Cons. x.

29. E. 3. by the King's Command a Convocation was summon'd to S. Pauls on Monday after
S. Mar-

S. Martins Day. See among the *Parliaments* ad An.

31. E. 3. another was held at *S. Pauls* by the Kings Command. Both for a Subsidy, and in Parliament time. The K. in his Writs to the Archbishop mentions his being to call a *Parliament*, and the Clergy are required to be summon'd to treat *super premissis una vobiscum & alijs per nos illuc mittendis, & ad consulendum hijs quæ tunc, &c.* These were purely Parliamentary Convocations tho' they sat at *Pauls*. The Writs for both may be seen in the *Cloſe Rolls*.

An. 1359. in the time of Parliament, *Cleri Synodus habita Londini*, say the *Antiq. Britan.* in which the Clergy refused to grant the K. an Aid, till the K. had satisfied 'em about a Difference between him and the Bishop of *Ely*, and the K. himself came into the Convocation to do it, and there produced Witnesses against the Bishop. The Archbishop and Bishops interceded with the K. on their Knees for him. But the K. went away and would not hearken to any Accommodation.

About the Year 1360. were published the Constitutions of *John de Thursby* Archbishop of *York*, which are extant in the Collection of our Councils, and in which are recited and confirm'd the Constitutions of *Will. la Zouche* Archbishop of the same Province, made An. 1347. Other Constitutions made after that in a *Provincial Council*, are there also mention'd.

A Convocation held 1361. in *St. Maries Convent* in *Southwerk*, by the Pope's Command.

Reg. Islip f. 170.

Simon, &c. Episcopo Lond. &c. Literas sanctissimi in Christo Pat. & Domini nostri, Domini Innocentij Div. Prov. Papæ vi. Nos noveritis recepisse, virtute quarum nobis est efficaciter demandatum, ut Confratres nostros Ecclesiæ nos. Cant. Suffraganeos absq; moræ diffugio convocemus quatinus omnes & singuli nobiscum conveniant, literas consimiles ipsis singulis in hac parte directas humiliter recepturi & circa executionem & expeditionem earundem deliberaturi, & sanum ipsorum Consilium secretius impensuri. Quocirca vestre Fraternitati injungimus & mandamus quatinus omnes & singulos Confratres nostros prædictos per literas vestras clausas moneatis & efficaciter inducatís peremptorie citantes eosdem ut ipsi in crast. diei Ascens. Dom. prox. nunc fut. in Ecclesiâ Conventuali B. Mariæ de Southwerk Winton. Dioc. personaliter nobiscum conveniant, vosq; consimiliter conveniatis recepturi, facturi, & expedituri cum obedientiâ debitâ quod communis deliberatio circa præmissa salubriter dictaverit prosequendum & finaliter peragendum. Neminem vero dictorum Fratrum excusatum habere poterimus propter dicti negotij qualitatem nobis & illis ex electâ speciali industriâ demandati nisi gravi infirmitate vel debilitate corporis excusetur, quo casu aliquem de Confratribus loco suo constituere teneatur. Dat. apud Maghesfeld 11. Kal. Apr. An. MCCCLXI. & nos. Cons. xii.

The same Day another Mandate was issued out to the Bishops by the Pope's Command, that, after they had met together by themselves in Crast. Ascensionis, they should again meet together with their Clergy, in crast. Octab. Festi S. Trinitatis. And how many Proxies the Clergy of each Diocese should send up, whether one, two, or more, is left by the Archbishop to their own discretion. Simon, &c. (ut supra) ut Confratres nostros Ecclesiæ nos. Cant. Suffrag. una cum Clero uniuscujusq;
eorum

eorum ut subsequitur absq; moræ diffugio convocemus, quatinus ipsi omnes & singuli Confratres nobiscum conveniant literas consimiles ipsis singulis in hac parte directas humiliter recepturi, ac tam ipsi quam Clerus eorum circa executionem & expeditionem earum Domini literarum deliberaturi, & sanum ipsorum concilium impensuri. Quocirca vestræ Fraternitati auctoritate nobis ut præfertur commissâ injungimus & mandamus quatinus omnes & singulos Confratres nostros prædictos moneatis & efficaciter inducatís peremptorie citantes eosdem ut ipsi in crastino Octab. Festi S. Trinitatis prox. nunc fut. in Ecclesiâ Conventuali B. Mariæ de Southwerk Wynton. Diœc. personaliter nobiscum conveniant, & qualiter ipsorum Clerum suæ Diœc. tam secularem quam generalem (regularem) exemptum & non exemptum per procuratores suos idoneos & sufficienter, ad hoc constituendos, UNUM, DUOS, vel PLURES prout ei magis expediens videbitur, convenire faciat & compellat, vosq; cum Clero vestræ Diœc. consimiliter conveniatis recepturi, facturi, & expedituri cum obedientiâ debitâ quod, &c. (ut supra) Neminem vero dictorum, &c. (ut supra).

These Convocations were called for the granting a Contribution to the Pope, as appears Fol. 185. b.

An. 1362. Archbishop Islip sent out a Mandate de FRATRUM suorum consilio, for the observation of certain Festivals throughout his whole Province: as also another concerning the yearly Salaries of Priests, de FRATRUM suorum consilio & consensu, together with a 3d by the same Authority de Presbyteris Annalia celebrantibus: all 3 extant in the Edition of our Councils ad An.

An. 1366. 41. E 3. in a great Council there happening a suddain Rumour concerning an Invasion, the then Archbishop, Simon Langham, with some
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of his Suffragans there present, made an Order for Soldiers to be provided by the Clergy, and then sent about that Order to the particular Bishops to be communicated to the Clergy to have their Consent.

Reg. Langham f. 53.

Simon, &c. Episcopo Lincoln, &c. Cum in ultimo Concilio Domini nostri R. Angliæ illustris apud Westm. jam tarde celebrato, nos & nonnulli Proceres & Prælati regni Angliæ varia Domini nostri Regis & regni negotia tractaverimus ut decebat, rumor validus, &c. — propter quod dictus Dominus noster R. illustris & alij dicti regni proceres super hijs artissimâ revolutione tractantes a nobis & quibusdam alijs nostris Suffraganeis ibidem tunc præsentibus affectuose postulabant — ut in hac parte consilium opportunum, & efficax præsidium impendere curaremus. Cumq; subsequenter nos & quidam alij Suffraganei nostri tunc præsentis super justâ & necessariâ defensione Ecclesiæ & regni — sollicitè tractaverimus — de spontaneo & communicato nostro consilio & assensu **ORDINAMUS** quod nos alijq; Episcopi & Suffraganei nostri & cæteri Prælati & viri Ecclesiastici nostræ Cant. Prov. tam exempti quam non exempti juxta status nostrorum & suorum condeceniam, possessionesq; redditus, & facultates nostras & suas tam de hominibus ad arma, sive armatis, sagittarijs, & alijs viris bellicosis nobis & sibi cum omni celeritate possibili provideamus & provideant & eos paratos habeant pro defensione universalis Ecclesiæ Angl. & regni supradicti. — Nos igitur — vestram fraternitatem sicut & cæteros confratres & Suffraganeos nostros requirimus & hortamur, quatinus Prælati & viri Eccles. universis vestrarum civitatum & Diœc. tam exemptis quam non exemptis certis diebus & locis quæ ad hoc oportuna videritis celeriter convocatis, præmissa omnia & singula pericula & etiam quæ ad remedia super hijs duximus ordinanda, Prælati & Clero supradictis plenius exponatis seu exponi faciatis luculenter,

volun-

voluntatesq; & devoriones Prælatorum & cæterorum virorum Eccl. vestræ Diœc. ad consentiendum hijs quæ in hac parte ut præmittitur duximus ordinanda—excitetis, &c. Dat. ap. Lamheth viii. Kal. Martij. An. Dom. MCCCCLXVI. & n. transl. 1.

A like Mandate was issued out about 3 Years after by his Successor (a) *W. Wyttlesey*, who commands the Bishop of London to punish the Bishops if they neglected to do as they were directed. *Et hoc idem auctoritate nostra omnibus & singulis Confratribus & Coepiscopis nostris Ecclesiæ nostræ Cant. Suffrag. cum omni celeritate quâ poteritis injungatis & ad id faciendum si oporteat canonice compellatis.— Dat. iii. Kal. Maij An. MCCCCLXIX.*

A Commission granted by Archbishop Langham to sit in his stead in the Convocation An. 1368. at Cant.

Reg. Langham. f. 70.

* Simon, &c. *Dilectis filijs Magistro Ric. de Warmynton RECTORI ECCLESIE PAROCHIALIS de Aldyngton nostrorum patronatus & Diœc. & Roberto de Commissario nostro Cant. generali salutem, &c. Ad interessendum vice & nomine nostris Convocationi sive Congregationi Prælatorum & Cleri nostrarum Civitatis & Diœc. in capella Palatij nostri Cant. in Crast. S. Ed. R. & Martyris prox. nunc fut. cum continuatione & prorogatione dierum tunc sequentium per Dei gratiam faciendæ, & præsidendum in eadem, negotiaq; Ecclesiæ nostræ & nostra quæcunq; in ipsâ Convocatione sive Congregatione explicanda plenius exponendum & super hijs una cum dictis Prælatiis & Clero si oporteat tractandum deliberationemq; ipsorum Prælatorum & Cleri super negotijs hujusmodi audiendum, ad-*

(a) Reg. Wyttlesey f. 9.

mittendum & recipiendum prout expedire videritis, nec non omina alia & singula facienda, exercenda, & expedienda, cum suis emergentibus dependentibus & connexis, quæ in Congregatione hujusmodi facere possemus seu deberemus, si præsentes personaliter interessemus, & si mandatum exigant magis speciale, Vobis, de quorum fidelitate circumspeditione & industriâ plenam in Domino fiduciam opinemur committimus vices nostras, cum cujuslibet COERCIONIS CANONICÆ potestate. In cujus, &c. Dat. ap. Lambeth, 11. Non. Novemb. An. MCCCLXVIII.

Archbishop Langham publish'd this Year an Injunction against divers erroneous Articles, *de congregato Concilio, tam Doctorum sacræ pagine, quam aliorum prudentium vivorum*, directed to the Chancellor of Oxford: as also another for the confirmation of certain Hymns to the Honour of S. Catherine: Both extant among our Councils, *ad An.*

In a Parliament held *An. 1369. 43. E. 3.* when the Clergy were not present in Convocation, the K. pressing the Archbishop (who was then *Will. Wyttlesey*) and the Bishops for a Subsidy, they agreed (*a*), that every Bishop should convene the Clergy of his Diocese to have their Consent; the Clergy of each Deanery were first to meet, and the matter being imparted to 'em and consider'd by 'em, they were to chuse certain Proxies, one for each Deanery, to represent 'em in a Diocesan Synod, there to give their Consents before the Bishop.

Willielmus, &c. Dilecto filio — Officiali Archidiaconi nostri Cant. salutem, &c. In Parlamento nuper

(a) Reg. Wyttlesey fol. 14.

apud Westm. Convocato ex parte Domini nostri Regis coram nobis & nostris Confratribus alijsq; Prælati & Proceribus regni Angliæ, exposita fuerunt grandia pericula tam Ecclesiæ Anglicanæ quam populo dicti regni notoriæ imminetia, oneraq; quam plura & excessive gravia, propterea eidem Domino nostro Regi plus solito incumbetia quæ absq; subsidio tam cleri quam populi dicti sui regni prout liquet evidenter non poterit supportare, propter quod ex parte ejusdem Domini nostri Regis nobis attentius extitit supplicatum, ut de decimâ triennali in tribus annis seq; ad Festa, viz. Purificationis B. Mariæ & Nativ. S. Johannis Bapt. solvendâ per nos & confratres nostros prædictos, tam pro nobis quam pro Clero uniuscujusq; nostrum providere & provideri facere curaremus. Nos vero intellectis necessitatibus & oneribus ejusdem Domini nostri Regis sibi evidenter importabilibus, attentaq; devotione quam idem Dominus noster Rex corditer gerit & semper gessit erga Ecclesiam Anglicanam, tandem post magnam & diutinam deliberationem & altercationem super præmissis inter nos habitam, SUPPLICATIONI suæ quantum in nobis fuerat duximus annuendum, promittentes eidem quod singuli nostrum subditos suos hac de causâ quam cito fieri posset convocari faceremus, & ad concedendum pro se dictam decimam induceremus, quatenus ad uniuscujusq; nostrum attinet facultatem. Quocirca nos volentes quatinus ad nos & nostros subditos pertinet, præmissa convenienter effectu debito mancipare, vobis committimus & in virtute sanctæ obedientiæ firmiter injungendo mandamus quatinus Abbates, Priores, Præpositos, & Prælatos, Conventus, Capitula, & Collegia, ac viros Ecclesiasticos quoscunq; Exemptos & non Exemptos singulorum Decanatum Archidiaconatus Cant. beneficia & bona Ecclesiastica in nostra Civitate, seu in hujusmodi Decanatibus habentia, Clerumq; singulorum hujusmodi Decanatum ad certos locum & terminum competentes in singulis hujusmodi Decanatibus per vos in hac parte statuendos, nostrâ auctoritate convocetis seu convocari

vocari faciatis peremptorie coram vobis, & ibidem, in singulis viz. Decanatibus prædictis singulis diebus & locis per vos sibi in hac parte statuendis præsentem literas nostras seu præsens nostrum mandatum coram ipsis Abbatibus, Prioribus, Præpositis, & Prælati, ac viris Ecclesiasticis, & Clero singulorum Decanatum prædictorum publicetis, & eas seu ipsum mandatum plenius exponatis ad effectum, ut interim plene deliberare valeant super contentis in eodem. Citetis insuper seu citari faciatis Abbates, Priores, Præpositos, Capitula, Conventus, & Collegia, ac viros Ecclesiasticos quoscunq; bona & beneficia Ecclesiastica in Civitate & Diœcesi nostris habentes, exemptos & non exemptos, & Clerum singulorum Decanatum prædictorum, quod idem Abbates, Priores, & Prælati, personaliter, singuliq; Conventus, & singula Capitula & Collegia, per suos Procuratores, Clerus etiam singulorum Decanatum prædictorum per SINGULOS suos Procuratores sufficienter instructos in hac parte, compareant coram nobis seu nostris aut nostro in hac parte Commissario seu Commissarijs in Ecclesiâ nostrâ Christi Cant. die Lunæ prox. post festum S. Jacobi prox. fut. cum continuatione & prorogatione dierum tunc sequentium & locorum super hijs de quibus in dictis nostris literis plenius fit mentio, & alijs arduis negotijs Ecclesiâ Anglicanam & Clerum ejusdem concernentibus tunc serius exponendis suaq; consilia & auxilia super hijs impensuri & ad consentiendum hijs que in dictis nostris literis continentur, et que ad honorem Dei, & Ecclesiæ suæ, utilitatemq; regni & reip. ibidem ex deliberatione communi ut optamus contigerit ordinari, facturique & recepturi quod justum fuerit, & hujusmodi negotij natura & qualitas exigunt & requirunt. Prælati etiam & viri Ecclesiastici exemptis & non mendicantibus, dictarumstrarum civitatis & Diœcesis, cujuscunq; fuerint ordinis aut professionis, per vos volumus intimari ut præfatis die & loco absq; suorum privilegiorum in hac parte præjudicio, quibus per hoc derogari noli-

nolumus, intersint, facturi in præmissis & ea tangentibus quod superius est expressum. De die vero receptionis præsentium, &c. & quid feceritis in præmissis nos vel nostros in hac parte Commissarios, dictis die & loco plene & distincte certificetis per vestras literas patentes harum seriem & citatorum nomina continentes. Porro cum dilectis filiis Priori & Capitulo nostris Cant. mandatum nostrum in hac parte specialiter dirigamus per vos nolumus ipsos ad Convocationem hujusmodi evocari. Dat. apud Cheryngg v. Kal. Jul. An. MCCCCLXIX. & transf. n. 1.

Item consimile mandatum mutatis mutandis directum fuit Commissario Cant. generali pro jurisdictionibus exemptis & etiam immediate Domino subiectis.

Item consimile mandatum mutatis mut. directum fuit Decano de SHORHAM pro decanatu suo.

Item cons. mandatum mutatis mut. directum fuit Priori Cant. pro se & capitulo suo.

Before Octob. following a Parl. was held, after that a Convocation was call'd for the granting the King a Subsidy, to sit at St. Pauls London, Jan. 21st. The King's Writ, Dat. xi. October, An. r. n. 43. is recited in the Archbishops (a) Mandate, The Archbishop sets forth, that he call'd that Convocation cum fastidio with regret, as being a trouble to the Clergy, but the necessities of the Kingdom required it. The Writ sets forth a vobis & alijs de clero Diæcesis & Prov. vestrarum in dicto (ultimo) Parl. tunc præsentibus nobis concedi petivimus. The Persons nominated in the Writ are Episcopi, Decani, & Priores Ecclesiarum Cathed. Abbates & Priores & alij electivi exempti & non exempti, necnon Archid. Capitula, Conventus, & Collegia totusq; Clerus. The Mandate goes far-

(a) Ibid. f. 17. b.

ther, *Episcopi, & Electi Confirmati siqui fuerint, & absentium hujusmodi Episcoporum Vicarij in Spiritualibus generales, & Custodes nostri Spiritualitatis in Civit. & Diac. Exon. Hereford, & Norwyc. sedibus ibidem Episcopalibus vacantibus generales; & per eos Decani, & Priores Ecclesiarum Cathed. ac singula Capitula earundem, Archidiaconusq; Abbates & Priores Conventus sub se habentes, & ALII ECCLESiarUM PRÆLATI Exempti & non Exempti, Clerusq; cujuslibet Diac. &c.*
 The absent threaten'd

In the Register there are two other Mandates, one to the Commissary general of Cant. and the other to the Prior and Chapter of Cant.

I have given the Reader already the entire Acts of one Convocation, the eldest now remaining in our Registers; that he may have a clearer view of that Body and its methods, I shall give him the Acts of this too, which are next to those, the antientest we have.

The Acts of the Convocation.

Fol. 22, &c.

Concilium celebratum in Eccl. S. Pauli Lond. die Lunæ prox. post Fest. Sanctorum Fabiani & Sebastiani Martyrum xii. Kal. Feb. viz. xxi. die m. Januar. A. D. MCCCLXIX. per rev. in Ch. P. & Dominum D. Will. D. g. Cant. Arch. &c. Indict. viii. Pont. Domini Urbani P. v. An. viii. Dictoq; Domino Archiepiscopo in Capellâ B. Mariæ Virg. in Capite dictæ Ecclesiæ una cum rev. Dominis & Fratribus suis ibidem personaliter constitutis, viz. Domino Simone Episcopo Lond. Missam pro defunctis ad Altare dictæ capellæ tunc celebrante, Dominis Will. Wygorn. Johanne Linc. Joh. Elyen. Rob. Sarum, Will. Cicest. Fratribus, Gervasio Bangorcensi & Rogero Landav. Episcopis Suffraganeis suis & Ecclesiæ suæ Cant. post quam
quidem

quidem Missam celebratam dictus Dominus Cant. Archiepiscopus, una cum Confratribus suis prædictis super quandam formulam ante Altare dictæ Capellæ sedebat, existentibus tunc ibidem nonnullis personis secularibus & religiosis in dignitate constitutis, Procuratoribusq; & Clericis Cant. Provinciæ in multitudine copiosa, præfatusq; Dominus Archiepiscopus verbum Dei ibidem publice proposuit, sibi pro themate assumpto Virtus Dei est in salutem: Post cujus verbi Dei propositionem comparuerunt tunc ibidem personaliter venerab. viri D. Rob. de Thorp, Joh. Knivet, & Th. Luddelowe Justitiarij Domini R. & ibidem coram dictis Patr. & Clero Cant. Prov. exposuerunt negotia Regis & causam sui adventus fuisse ob necessitatem Domini R. Angl. & Regni Anglicani serius expositam per dic. Dominum Th. de Luddelowe vivâ voce: qui quidem D. Thomas petit nomine regio ut dictus D. Archiepiscopus & Confratres sui una cum Clero Cant. Prov. disponerent ad defensionem R. & regni Ang. prout melius esset disponendum pro salvatione & defens. regni Angl. memorati. Cui quidem regno per inimicos Franc. quamplurima imminent pericula, & insidiæ ut dixit excogitantur & attemptantur in destructionem regni Angliæ memorati. Exhibito tunc certificatorio dic. Domini Lond. Episcopi ejus sigillo sigillato & eodem publice perlecto, per quod apparuit quod idem Episcopus Episcopos Suffrag dicti D. Archiepiscopi, & Custodes Spiritualium Civitatum & Diœc. Norwici, Herefordiæ, & Exon. sedibus Episcopalibus ibidem vacantibus, ac personas alias Relig. & Secul. exemptas & non exemptas, ac Clerum Prov. Cant. secundum tenorem mandati sibi directi, citari fecerat, ac omnia exercuerat in dicto mandato contenta plenius & æscripta, post cujus quidem certificatorii lectionem dictus D. Archiepiscopus commisit vivâ voce potestatem Magistris Ric. de Warmyngton Concenario suo & Joh. de Swyneshened Auditori causarum Curia suæ recipiendi & examinandi certificatoria Episcoporum

* O

Suffrag.

Suffrag. suorum & Vicariorum generalium, necnon procuratoria Cleri Prov. Cant. & alia ibidem exhibenda, & quo ad CONCILIUM sive CONVOCATIONEM hujusmodi prorogavit hunc diem cum dictis Confratribus suis & procuratoribus præsentibus tunc ibidem, absentes si qui essent expectando ad faciendum & procedendum ulterius in negotio CONCILII sive CONVOCATIONIS prædictæ, secundum quod eis visum fuerit expedire, assignando eisdem locum Capitularem dictæ Ecclesiæ ad comparandum coram eo ad præmissa facienda. Postmodum dicti Episcopi, Custodes Spiritualium & alij procuratores dictis Commissarijs certificatoria & procurat. hujusmodi realiter porrexerunt. Quo die adveniente viz. xi, Kal. Feb. A. D. supradicto in loco Capitulari dictæ Ecclesiæ S. Pauli examinatis per dictos Magistros Ric. de Warm. & Joh. de Swyn. Commissarijs dicti D. Archiepiscopi in hac parte literis procuratorijs quorundam procuratorum Episcoporum absentium, necnon quorundam Abbatum Priorum, & Cleri Cant. Prov. dictus D. Archiepiscopus assidentibus sibi in dictâ domo Capit. Confratribus Suffrag. suis supradic. necnon Clero & Relig. dictæ Prov. Cant. tunc ibidem simul congregatis, dictisq; Custodibus Spiritualitatis & personis alijs in dignitate constitutis, ac procuratoribus Cleri Cant. Prov. prout in literis Certif. hujusmodi porrectis plenius describitur coram eo, exposuit eisdem magis plene & specialiter negotia Domini Regis & regni Angl. & ejus pericula jam imminencia per Regem Franciæ & ejus consilium & auxilium inferenda; quapropter petijt à dictis Confratribus suis, Relig. & Clero Diac. & Prov. suæ prædic. pro sublevatione Regis regni & totius reip. decimam triennalem eidem Domino R. concedi & effectualiter solvi infra dictum triennium, viz. quolibet anno dicti triennij unam decimam ad duos anni terminos per æquales portiones, & super petitione prædict. rogavit dictos Relig. quod se insimul traherent ad aliquam partem Ecclesiæ prædictæ, & Clerum suæ Diac. & Prov. quod

ad aliam partem ejusdem Ecclesiæ se traherint, tractarent, & deliberarent de petitione prædict. quid & quantum concedere velint, & deliberatione habitâ per eosdem sibi referre & intimare de voluntate eorundem in dictâ domo Capit. super præmissis die crast. tunc prox. seq. & insuper omnes tam Religiosos quam Seculares, qui istâ Convocatione tenentur & artantur, comparere legitime citatos & non comparentes pronunciauit contumaces pœnâ eisdem pro hujusmodi contumacia injungendâ sibi reservatâ. Postmodum x. Kal. Feb. A. D. suprad. coram dicto D. Archiepiscopo in præfatâ Capellâ B. Mariæ S. Pauli, una cum suprascriptis Confratribus suis personaliter existentibus, procuratores Cleri Diœc. & Prov. Cant. excepto PROCURATORE Cleri Diœc. Cant. (in Mandato Archiepiscopi citantur duo Procuratores pro Clero Dicecesium singularum) **QUI TANTUM UNAM DECIMAM CONCESSIT** solvendam, attentis periculis regni Angl. indulgentiaq; & amore Domini R. Angliæ & regni concesserunt eidem Domino R. decimam biennalem solvendam eidem Domino R. infra biennium à tempore dictæ concessionis numerandam.

— Sub istis tamen conditionibus adjectis & additis per dictum Clerum, viz. quod dictus D. Rex injurias & volentias ac alia gravamina viris Ecclesiasticis in enervationem libertatis Ecclesiasticæ per Ministros regios multipliciter attemptata & per ipsum Clerum in scriptis redigenda & dicto Domino Archiepiscopo, & per eum Domino Regi porrigenda corrigat & reformet, & etiam quod Beneficia exilia & depauperata ad solutionem dictæ decimæ nullatenus obligentur, quodque super exilitate dictorum beneficiorum testimonialibus literis Ordinariorum in quorum Diœcesi dicta beneficia situantur sine probatione aliâ creditur. Et Religi-
giosi Diœcesis & Prov. Cant. attentis & consideratis præmissis per eosdem, decimam biennalem dicto Domino Regi de suis spiritualibus annuis & terminis supra-
dictis solvendam sub conditionibus & adjectionibus supe-
rioribus

rius per Clerum expressatis. Et tunc dictus D. Archiepiscopus voluit quod Clerus & Religiosi prædicti petitiones suas super dictis injurijs violentijs & gravaminibus inscriptis redigerent & sibi porrigerent die Ven. tunc prox. seq. in Capellâ prædic. ita quod super eis cum suis Confratribus poterit consulere & deliberare, & eas habitâ deliberatione hujusmodi unam cum concessione decimæ biennalis prædictæ dicto D. Regi intimare, & assignavit dictis Clero & Religiosis diem Sabbati prox. seq. ad comparandum coram eo in dictâ Capellâ hora primâ voluntatem Regiam super dictis petitionibus & etiam grates regias pro dictâ concessione quas reportabit audituris: Et ad hoc faciendum continuavit dictam Convocationem ad diem Sabbati supradictum. Quo die Sabbati, viz. vii. Kal. Feb. A.D. supradicto dictus D. Archiepiscopus quandam Commissionem sigillo suo sigillatam ad continuandum & prorogandum dictum Concilium fecerat sub hac forma verborum: *Willielmus, &c.* ‘discretis viris Magistris Nicolao Chaddeſden Legum Doctori Canonico in Ecclesiâ Cathed. Lich. Ricardo de Warmyngton Rectori Ecclesiæ Paroch. de Adesham nostræ Diœcesis Cancellario nostro & Joh. de Swyneshened Canonico in Eccl. Cathed. Linc. salutem, &c. Cum propter ardua negotia Dominum nostrum Regem Angl. concernentia simus ad præsens impediti, quominus in CONCILIO sive CONVOCATIONE PROVINC. in Ecclesiâ S. Pauli Lond. convocato & inchoato pro præſenti die Sabbati, viz. vii. Kal. Feb. interesse personaliter possimus, ad continuandum & propagandum dictum Concilium ad dies ultiores sequentes, & etiam ad faciendum expediendum & exercendum quæ circa præmissa necessaria fuerint seu oportuna, vobis conjunctim & divisim tenore præsentium committimus vices nostras & plenam potestatem Dat. ap. Lamheth vii. Kal. Feb. A.D. supradicto, & n. trans. 11do. Cujus quidem Commissionis auctoritate dictus Magister Ric. de

de Warmyngton Cancellarius in domo Capit. dictæ Eccl. S. Pauli Lond. pro tribunali sedens in præsentia quorundam procuratorum Cleri & Relig. Provinciæ Cant. ibidem existentium, continuavit & prorogavit dictum CONCILIUM sive CONVOCATIONEM usq; ad diem Martis tunc prox. seq. alios procuratores dictorum Cleri & Relig. si qui tunc absentes fuerant ad diem prædictum expectando. Et præfixit procuratoribus dictum diem Martis ad comparandum coram Domino in dictâ domo Capit. ad omnia facienda & expedienda quæ jam essent facturi. Quo die Jovis (Martis) adveniente, viz. iv. Kal. Feb. An. D. suprad. dictus D. Archiepiscopus una cum Lond. Eliensi, Wigorn. Linc. Sarum, Cicest. Assav. Bangor & Landav. Episcopis suprad. in præfata domo Capit. pro tribunali sedens, exposuit procuratoribus Cleri & Relig. Cant. Prov. supradictæ ibidem comparantibus coram eo qualiter dicta biennialis decima nuper per Clerum Domino Regi concessa ad onera & pericula dicto Regi & ejus regno jam imminenti: minimè sufficiebat, sed credidit ut asseruit quod Clerus & Relig. dictæ Prov. ad relevamen Regis & regni prædictorum sicut nuper per eum petitionem extitit ratione potissimum juris naturalis decimam triennalem concessissent, sicut nuper Prælati regni prout idem D. Archiepiscopus tunc retulit eidem Domino Regi jure naturali moti decimam triennalem de suis proprijs in relevamen onerum prædictorum concesserunt, & tunc injunxit Procuratoribus Cleri Relig. hujusmodi exhortando eosdem quod se ad partes in dictâ Ecclesiâ transferrent & concordarent pro dictâ decimâ triennali concedendâ. Qui ad loca in dictâ Ecclesiâ se transferentes, & de concessione dictæ decimæ triennalis tractantes, tandem ad dictum D. Archiepiscopum & Confratres suos suprad. in dictâ domo Capit. sunt reversi. Qui quidem procuratores Cleri & Relig. Cant. Prov. decimam biennalem terminis superscriptis solvendam, primam viz. simpliciter, secundam vero cum conditionibus & ad-

jectionibus quod D. Rex petitiones Cleri super injurijs & gravaminibus Ecclesiasticæ libertati illatis concipiendas reformaret & corrigeret ut superius est expressum, sed Religiosi prædicti & Procuratores eorum dictam decimam biennalem tam de temporalibus quam de spiritual. more solito solvendam concesserunt, præfatiq; procuratores Cleri & Relig. hujusmodi à tertiâ decimâ solvenda se omnino excusarunt, asserentes quod eam concedere minime potuerunt propter diversa onera Ecclesiæ hæcenus imposita & viris Ecclesiasticis & pestilentiam animalium quæ jam viget in partibus Angl. offerentes quod si necessitas urgeat in posterum pro dictâ tertiâ decimâ concedendâ parati erunt lapsò biennio, eis more solito convocatis, eam concedere in subsidium regni & terræ suæ prædictæ. Et dicti Relig. in scriptis porrexerunt quasdam petitiones per dictum D. Regem reformandas, quas etiam Clerus Cant. Provinciæ quatenus pro eo facere poterunt & concernunt porrexit etiam quasdam alias petitiones in scripto. Post quarum petitionum traditionem dictus D. Archiepiscopus habitâ prius cum dictis Confratribus suis tractatu aliquali, præfixit dictis Procuratoribus diem Jovis prox. tunc fut. ad comparandum coram eo in dictâ domo Capit. beneplacitum Regium & ejus voluntatem super concessione dictæ decimæ biennalis ac grates ab eo impendendas pro concessione hujusmodi & responsiones suas ad petitiones prædictas audituris, & ad hoc faciendum hunc diem ad dictum diem Jovis de consensu Fratrum suorum prædictorum continuavit & etiam prorogavit. Quo die Jovis adveniente, viz. 11. Kal. Feb. A. D. suprad. prædictus Magister de Warmyngton Cancellarius & Commissarius Domini in hac parte in dictâ domo Capit. horâ prima dictæ diei pro tribunali sedens virtute cujusdam Commissionis à dicto Domino Archiepiscopo sibi factæ continuavit dictum CONCILIUM sive CONVOCATIONEM und cum Domino Episcopo Assav. & nonnullis procuratoribus Cleri & Relig. Prov.

Prov. Cant. alios Procuratores absentes expectando usq;
ad horam vesperarum dictæ diei ad faciendum illud
idem quod jam esset faciendum si D. Archiepiscopus
præsens esset. Tenor vero dictæ Commissionis talis est.
‘Willielmus, &c. discretis viris Magistris Ric. de
‘Warm. &c. Jo. de Swyn. &c. Cum propter ardua
‘negotia, &c. ut supra mutatis mutandis) Quâ horâ
vesperarum adveniente idem Dominus Cancellarius &
Commissarius in loco supra proximo dicto pro tribunali
sedens virtute Commissionis suprad. de consensu quo-
rundam Episcoporum & Procuratorum Cleri &
Relig. Cant. Prov. tunc præsentium continuavit &
prorogavit dictum Concilium cum præsentibus expectando
absentes usq; ad diem prox. tunc seq. ad idem faciendum
quod prius in loco prædicto. Quo die adveniente, viz.
Kal. Feb. A. D. suprad. dictus Dominus Archiepisco-
pus in præfatâ domo Capit. una cum Wynton. Elien.
Wygorn. Sarum. Cicest. Linc. Assav. & Bangor.
Episcopis ibidem personaliter existentibus pro tribunali
sedens, nonnullisq; personis secularibus & Relig. in dig-
nitate constitutis personaliter, Cleroq; Cant. Prov. per
procuratores suprad. comparentibus & jam tunc ibidem,
existentibus insuper tunc ibidem personaliter ex parte
dicti D. Regis nobilibus viris Dominis Duce Lancast-
riæ filio Regis, Arundeliæ, Marchiæ, & Warre-
wici Comitibus, ac nonnullis alijs Magnatibus dicti
regni, inter quos erat unus Dominus, viz. Dominus
Guido Brian, qui exposuit in vulgari, qualiter ibidem
ex parte Regis missi fuerunt pro negotijs regis exponen-
dis, allegans quod decima biennalis nuper per Clerum
Prov. Cant. concess. Domino Regi, habendo respectum
ad pericula regno imminencia & necessitates regias ad
supportationem Regis & regni, non sufficit, sed D. Rex
sperans de amicitia & subventionem dicti Cleri, crede-
bat quod faciliter & sine difficultate dictam decimam tri-
ennale ut nuper complures Prælati, Episcopi scil. &
Abbates regni Angl. pro suis proprijs beneficijs Domi-

no Regi concesserunt, concessissent, & annuerent votis regijs in hac parte, supplicavit insuper idem Dominus Guido dictis Dominis Archiepiscopo, & Prælati, ac Clero prædicto quatinus dictam decimam triennalem ob amorem dicti Regis & regni defensionem, sicuti Prælati fecerunt, concederent. rogando dictum D. Archiepiscopum & alios Prælatos ut dictum Clerum inducerent ad concessionem decimæ triennalis prædictæ. Et tunc dictus D. Archiepiscopus pro celeriori expeditione concessionis prædictæ hortavit Episcopos ibidem tunc præsentis, quod quilibet Episcopus procuratores suæ Diocesis ad partes caperet & de concessione huiusmodi inter se tractarent. Procuratores postmodum Cleri & Relig. de concessione huiusmodi aliquandiu tractantes, & tandem ad dictum D. Archiepiscopum & Confratres suos suprad. in dictâ domo Capit. pro tribunali sedentes, redeuntes, Procuratoribusq; aliquibus Cleri & Relig. tunc absentibus per dictum D. Archiepiscopum pro contumacibus reputatis & pro absentibus habitis per eundem, Procuratores Cleri & Relig. Cant. Prov. super prolatione concessionis decimæ triennalis prædictæ se excusarunt, hac viz. de causa, quia nescierunt de concessione decimæ triennalis Domino Regi factâ per dictos Prælatos, sed volentes sequi in concessione huiusmodi vestigia ut dixerunt Prælatorum eorundem libere, & hilari vultu totus Clerus Prov. Cant. concessit Domino Regi decimam triennem solvendam infra triennium prox. seq. ad terminos superius limitatos, Rogando dictum D. Regem & sibi etiam supplicando quatinus gravamina Clero prædicto illata contra Ecclesiasticam libertatem secundum petitiones per dictum Clerum nuper propositas reformaret. Et tunc dictus D. Archiepiscopus dictis Procuratoribus licentiam recedendi concessit præfatumq; Concilium sive Convoc. dissolvebat.

A Convocation (a) for a Subsidy An. 1371. 45. E.

(a) f. 40. b. &c.

3. at St. Pauls Lond. die Jovis prox. post Fest. S. Georgii i. e. 24. Apr.

The Register observes that the Mandate ran in the same Words, excepting only a few, which are not worth mentioning, with the former of 1369. The King's Writ mentions a Parl. then sitting when this Convocation. was summon'd.

Edwardus, &c. *Qualiter negotia tam nos quam statum regni nostri Angl. quam necessariam defensionem ejusdem contingentia, ac onera propter hoc nobis incumbentia, vobis & alijs in presenti Parl. nostro existentibus plenius exposuimus, vos non latet, ad quorum onerum supportationem absq; adjutorio fidelium nostrorum non sufficimus sicut scitis, per quod aliquod subsidium congruum in supportationem tantorum onerum à vobis & alijs de Clero Diœc. & Prov. vestrarum in dicto Parl. tunc præsentibus nobis concedi petivimus. — Mandamus, &c.*

This Convocation is mention'd by *Walsingham*; An. 1371. celebrato Parl. apud Westm. in Quadragesimâ, Rex Edwardus petijt à Clero & Populo subsidium, quod sub deliberatione in Convocatione Cleri factâ post Paschæ fuit concessum tam à Clero, quam à Populo laicali.

The Bishop of Lond. preach'd. Certain Lords are sent by the K. to demand a Subsidy. The Archbishop Commissions the Bishops of Lond. Ely and S. Davids, or any One of 'em, to act for him, being indisposed. The Bishop of London's *Certificatorium* containing the Archbishop's Mandate is read; then several *Procuratoria*. The Bishop of Lond. as the Archbishop's Commissary admonuit dictos Prælatos & Clerum quod super petitione prædictâ tractarent & deliberarent, Prælati, viz. PER SE, & Religiosi, & Clerus PER SE.

Apr. 24. In domo Capitulari una cum cæteris Prælati, & quorundam Procuratoribus sedens continuavit dictam Convocationem, cum Procuratoribus Prælatorum

& Cleri Prov. Cant. præsentibus in Eccl. S. Pauli prædictâ.

Apr. 25. admonuit Prælatos & Clerum quod tractent inter se de subsidio, & quod habito tractatu inter eos de prædictis, sibi & alijs Prælatiis intimarent de voluntate suâ.

Apr. 28. The Prelats and Clergy not agreeing about the Subsidy, certain Lords are sent by the K. to make a demand of 50000 l. They are adjourn'd to Apr. 29. but neither then could the Prelats and Proxies of the Clergy agree about the Sum.

Maij 1. Ante horam nonam dictus Dominus Lond. Episcopus & Commissarius & nonnulli Prælati & Procuratores in dictâ domo Capitulari congregati, tandem dictus Dominus Episcopus Lond. vice & auctoritate dicti Domini Archiepiscopi, continuavit & prorogavit dictum negotium seu tractatum usq; horam nonam dictæ diei, & assignavit tam Prælatiis quam omnibus alijs de Clero tunc ibidem existentibus certum locum viz. manerium Domini Ducis Lancastriæ SAVOR vulgariter nuncupatum in suburbio Lond. constitutum ad procedendum & ulterius tractandum super negotio antedicto. Et subsequenter eodem die circa horam tertiam ejusdem venerabilibus Patribus Domino Willielmo Archiepiscopo Cant. & cæteris Coepiscopis prædictis & alijs Prælatiis multis tam relig. quam secul. & alijs de Clero in multitudine copiosâ in dicto Manerio viz. in quadam domo PARLOUR nuncupatâ insimul congregatis & ibidem præsentibus, tandem nobilis vir D. Edwardus Dei g. Princeps Walliæ — in dictâ domo comparuit ex parte regiâ pro negotijs dicti Domini Regis & indigentia & necessitate ejusdem ibidem exponendis, qui quidem Dominus Princeps dictis Prælatiis & Clero instanter supplicavit & tandem eosdem requisivit pro salvatione & defensione Regis & Regni quod summam ex parte regiâ petitam viz. 50000 l. concederent

cederent Domino nostro Regi supradicto. Qui quidem Prælati & Clerus Diœc. & Prov. Cant. dictam summam 50000 l. Domino Regi prædicto in relevationem status sui regij & regni liberaliter concesserunt de viris, personis, bonis, & beneficijs Ecclesiasticis Regni Angliæ quibuscunq; tam EBORACENSIS quam Cantuariensis Provinciarum levandam. Et supplicarunt dicto Domino Principi Walliæ quod intercederet penes Dominum Regem quod personæ exemptæ & Privilegiatæ, & illæ quarum beneficia non sunt taxata, solvant ad summam prædictam, & illi etiam de Provinciâ EBOR. secundum Taxam antiquam.

May 2. they met in the Chapter-house at St. Pauls, where the Bishop of Lond. as Commissary to the Archbishop told 'em quod Dominus Rex voluit & concessit quod personæ Ecclesiæ exemptæ & non exemptæ, privilegiatæ & non privilegiatæ, & etiam Clerici liberarum Capellarum suarum, & non taxata beneficia, ac illi de Prov. EBOR. contribuant ad summam prædictam.

Maij 3. dictus Dominus Lond. Episcopus & Commissarius in præfatâ domo Capitulari una cum cæteris Prælatiis supradictis sedens Procuratores Relig. & Cleri ibidem comparentes ad recedendum licentiavit per decretum.

May 4. Dominus Lond. in præfatâ Domo Capit. una cum cæteris Prælatiis prædictis sedens, comparentibus coram eo Procuratoribus Religiosorum & Cleri — exposuit eis Regiam voluntatem, &c.

There follows the King's Writ to the Archbishop dated *May 5.* in which all privileg'd Persons are required to contribute, under the forfeiture of all their Goods. And its intimated that the Clergy of the Prov. of York had concurr'd with the Clergy of the Prov. of Cant. By which he could mean only the Prelats of that Province
then

then met together in Parliament; who gave for the Clergy.

Edwardus, &c. Archiepiscopo Cant. &c. Cum vos & cæteri Prælati ac Clerus Cant. & Ebor. Provinciarum pro defensione & salvatione Regni nostri Angl. & Ecclesiæ Anglic. tuitione nobis quoddam subsidium 50000 l. —benevole concesseritis, &c. In the Archbishops (a) Mandate for the levying of that Subsidy, there are these Words.

Willielmus, &c. Episcopo Lond. &c. Cum nos & vos, alijq; Confratres & Suffraganei nostri & Ecclesiæ nostræ Cant. ac cæteri Prælati tam Relig. quam secul. nostrarum Civitatis Dioc. & Prov. Cant. ac Clerus earundem in ultimâ Convocatione sive Congregatione Confratrum Prælatorum & Cleri prædictorum in Eccl. S. Pauli Lond. ad INSTANTIAM & ROGATUM Excellentissimi in Christo Principis & Domini nostri, Edwardi, &c. de Mandato & auctoritate nostra facta in subsidium ipsius Domini Regis & ob necessitatem ejusdem ac Regni Angliæ & ejus tuitionem ac defensionem totiusq; Ecclesiæ Anglicanæ, dicto Domino Regi summam 50000 l. usualis Monetæ de viris & Personis bonisq; & beneficijs Ecclesiasticis quibuscunq; Regni Angl. tam EBOR. quam nostræ Cant. Prov. Provinciarum, sub certâ formâ inferius expressata levandam, quatenus ad eandem Cant. Prov. proportionabiliter attinet, liberaliter concesserimus, &c. In another Mandate (b) thus: De viris & Personis bonisq; & beneficijs Ecclesiasticis quibuscunq; Regni Angliæ tam EBOR. quam nostræ Cant. Prov. exemptis & non exemptis privileg. & non privileg. sub certâ forma inferius plenius descriptâ levandam & Colligendam, quatenus ad nos virosq; & Personas Ecclesiasticas nostræ Cant. Prov. proportionaliter attinet, liberaliter concesserimus.

(a) f. 43. (a) f. 47.

That Subsidy being not duely rais'd An. 1373. the K. required the Archbishop, to Summon the Bishops together, (without any mention of the rest of the Clergy) to consider how the Arrears ought to be rais'd. (a) Willielmus, &c. Episcopo Lond. &c. *Literas Domini nostri Regis recepinus inter alia continentes, quod de subsidio dudum eidem Domino nostro Regi per Clerum Regni sui concessio, fuerit & sit à retro summa 8221 Marc. 4s. & 5 d. per Clerum nostræ Prov. persolvendum computatum in eadem summa tam arrerag. 40000 l. per nos de eadem Prov. agnitarum, quam summam quæ nondum est soluta per EBOR. Prov. viz. de 10000 librarum, per Clerum ejusdem EBOR. Provinciæ istæmavimus certis de causis ad hoc nos rationabiliter moventibus integre persolvendum ad fundandum hanc intentionem suam deducit idem noster Rex quod EBOR. Provincia ad contributionem dicti subsidij ultra novam Taxam beneficiorum ejusdem Prov. non debuit onerari, prout nec in solutione decimarum eidem concessarum onerari hætenus consuevit. Ac etiam quod nos de dictâ Prov. Cant. adeo excessivas summas ultra portiones nostras Diœc. contingentes a Clero nostro recepinus, quod dicta summa 8221 Marc. 4s. & 5 d. de excessibus hujusmodi in manibus nostris remanentibus persolvi valeat prout dicit, unde nobis præcipit ex causis prædictis & alijs onera guerrearum suarum concernentibus quod inter nos & Confratres nostros de solvendâ dictâ arreragiorum summa totali sub comminatione temporalium nostrorum ad manus suas capiendorum, cum omni festinatione possibili adinvicem ordinemus dilationibus & excusationibus cessantibus quibuscunq; prout hoc & alia multa in dictis literis nobis & consimilibus etiam vobis & unicuiq; Fratrum & Suffraganeorum nostrorum, ut verisimiliter credimus,*

(a) f. 62.

directis plenius continentur. Quocirca vestræ Fraternitati injungimus & mandamus, quatinus pro necessitate nostra communi & periculis alijs evitandis cæteras CONFRATRIBUS nostros moveatis, & efficaciter inducatis moverive & induci faciatis, ut die post fest. S. Mich. Archangeli prox. fut. in Eccl. S. Pauli Lond. nobiscum conveniant, & vos etiam conveniatis super præmissis tractaturi ac periculis hujusmodi prospecturi. Et quid feceritis, &c. Dat. ap. Ottesford vii Id. Aug. An. MCCCLXXIII. & n. trans. 5.

The 30th of May, before the Meeting of the Bishops on that occasion, there was a Convocation of all the Clergy held at S. Pauls, for the calling of which, there was no Writ issued out by the K.

(a) fol. 59. b.

Willielmus, &c. Episcopo Lond. &c. Cum nos propter ardua quædam nuper coram nobis Londini, vobis etiam, & nonnullis alijs Confratribus & Suffraganeis nostris ac Prælati nostræ Cant. Prov. tunc ibidem insimul Congregatis & præsentibus exposita & tractata negotia statum necessitatem & utilitatem totius Anglicanæ Eccl. singulariumq; Personarum & præsertim Ecclesiasticarum ejusdem concernentia, summamq; celeritatem & celerem expeditionem requirentia de communi consilio & assensu nostro & ipsorum sic Congregatorum & præsentium universos Confratres & Suffraganeos nostros, omnesq; alios Prælatos & viros Ecclesiasticos dictæ nostræ Prov. præsertim bona & beneficia Ecclesiastica non exempta in nostra Cant. Prov. prædict. optinentes, ac Clerum nostræ Civ. Dioc. & Prov. — coram nobis evocandos fore decrevimus. — Mandamus &c. The absent threaten'd.

Another Convocation the same Year, 1373. 47. E. iii. Decemb. 1. for a Subsidy, called by the King's Command. (a) fol. 63. &c.

The Persons mention'd in the King's Writ to be summon'd are *Suffraganei, Decani, & Priores Eccl. Cath. Abbates & Priores & alij electivi exempti & non exempti, necnon Archidiaconi, Capitula, Conventus, & Collegia, totusq; Clerus.* Those mention'd in the Archbishop's Mandate, are *Suffraganei & Electi confirmati & absentium Episcoporum Vicarij in spirit. generales & Custos Spiritualitatis in Civ. & Dioc. Elien. Sede Episcopali vacante, Decani & Priores Eccl. Cath. ac singula Capitula earundem, Archid. Abbates & Priores Conventus sub se habentes & ALII ECCLESiarUM PRÆLATI exempti & non exempti, Clerusq;.*

The Acts of the Convocation give this Account.

That the Bishop of London's *Certificatorium* being exhibited, and the *Procuratoria* of the Clergy, there came into the Convocation certain Lords from the K. to demand a Subsidy. After whose departure the Archbishop Preach'd: Dec. 2d the Bishop of Lond. by a Commission from the Archbishop, who was indisposed, was appointed his Deputy. *Tandem injunctum fuit per præfatum Lond. Episcopum dicto Clero quod tractarent inter se de competenti subsidio, qui quidem Clerus, viz. SECULARES in UNA PARTE, & RELIGIOSI partim comparentes IN ALIA, se ad partes transtulerunt pro hujusmodi tractatu habendo.*

They refus'd to grant any, and complain'd of certain Injuries done to the Church. The Bishop of Lond. recommending the matter to their further Consideration, adjourn'd to the next Day. At what time they granted one *Dism.*

Et tunc dictus D. Lond. continuavit dictum Convocationis negotium usq; ad diem lunæ prox. seq. Nonis Decemb. in dictâ domo Capit. dicti Procuratores Cleri comparuerunt, comparentibus etiam ibidem nomine dicti
D. Cant.

D. Cant. Archiepiscopi discretis viris Magistris Th. Yong. Offic. Cur. Cant. Nicholao de Chaddefden Decano Ecclesiæ B. Mar. de Arcubus Lond. Richardo de Warmyngton & Th. de Wormenale Cancel. & Audit. Causarum Curiae Domini Cant. nullis Episcopis, aut eorum Procuratoribus ibidem comparentibus, Procuratores prædicti dixerunt expresse quod nihil voluerunt ultra concedere Domino Regi quam superius est concessum.

The Archbishop's Official adjourns the Convocation to the next Day. The Clergy then granted a 2d *Dism.* and presented their Petitions to the Bishop of Lond. for the redress of Grievances to be delivered to the K.

vii. *Id. Dec. in dicta domo Capit. in præsentia nonnullorum Procuratorum dicti Cleri & aliorum Clericorum constitutus personaliter D. Herefordensis Episcopus, W. Courtney, (afterwards Archbishop) protestabatur publice & expresse, quod nisi injuriæ sibi & Ecclesiæ suæ Hereford. ut dixit, multipliciter injuste illatæ, per Regem & ejus Consilium essent & sint reformatæ, quod dictus Dominus Rex de eo aut Clero suæ Dioc. ratione dictæ concessionis nullum haberet denarium, & dictæ concessioni expresse contradixit.*

Subsequenter Mr. Nic. Chaddefden in præfatâ domo Capit. sedens——vice Domini, *UT DIXIT*, continuavit dictum negotium Convoc: usq; post prandium dictæ diei citra horam Vesperarum *SI DOMINO CANT. PLACUERIT*: Et sibi non placuit; tunc continuavit dictum negotium usq; ad diem Ven. prox. tunc seq. dicto tamen die viz. vii. *Id. Dec.* post prandium circiter horam Vesperarum Mr. Nic. Chaddefden suprad. in præfatâ domo Capit. dictos Procuratores ex præcepto Domini, *UT DIXIT*, ad recedendum licentiavit.

An. 1376. 50 E. 3. a Convocation under Archbishop Sudbury, at S. Pauls, die Lunæ post Pentecost. for a Subsidy. The King's Writ recited in the
Mandate.

Mandate (a). See *Antiq. Brit.* (b) concerning this Convocation.

Another for a Subsidy the same Year the Day after *Candlemas*. In the Acts (c) there is nothing particularly remarkable, unless it be, that in the beginning the Proxies of the Clergy alledg'd that they could not enter into any Debate about a Subsidy, because some of the Proxies were not come. II. Non. Feb. Magistro Nich. Chaddeſdenne Legum D. &c. una cum Magistro Rogero de Suttone Cancellario Domini, quibus dictus D. Cant. Archiepiſcopus vices ſuas per literas ſuas commiſit, ad tractandum cum dictis Prælatiſ & Clero Provo. Cant. ſuper conſeruentibus Convocat. prædictam, in dictâ domo Capitulari cum quibuſdam Archidiaconis & Procuratoribus Cleri ſuper quibuſdam petitionibus Cleri reformandis per Dominum Regem & ſuum Conſilium, aliquandiu tractavit, & quia nonnulli Procuratores tunc abſuerunt Cleri, quarundam Diæc. Procuratores præſentes dixerunt, quod ad concedendum dictum ſubſidium, iſſis huiusmodi Procuratoribus abſentibus, tractare non potuerunt, nec in eâ parte plene deliberare. Et tunc dictus Decanus (Nic. Chaddeſ.) continuavit præſatam Convoc. uſq; ad diem craſt. v. Id. Feb. Dominus in dictâ domo Capit. cum Conſratribus ſuis, EXCLUSIS OMNIBUS ALIIS PERSONIS ab eâdem, ſecreto deliberavit. ———
iv. Id. Feb. Dominus in præſatâ domo Capit. ſedens, una cum ſupradictis alijs Conſratribus ſuis, excluſis omnibus alijs perſonis, ſuper præmiſſis deliberavit, & tandem convocavit coram eo procuratores Cleri, & Præfixit eis diem Jovis tunc ſeq. ad comparandum coram eo in dicto loco.

(a) Reg. Sudbury fol. 17. b. (b) p. 257. (c) Sudbury f. 33. 34.

A Convocation (a) for a Subsidy *An.* 1377. 1. *Ric.* 2. *Novemb.* 9. at *St. Pauls.*

The Acts of the Convocation, *ibidem* Fol. 44. 45. After Mass said at the High Altar (which was done in all Convocations) the Bishop of *Rockester* preach'd in Lat. in *S. Maries* Chapple. Then the Bishop of *London's* *Certificatorium* being read, they went to the *Chapter-house*, where the *Procuratoria* of the Clergy were Exhibited. After some Days came the Lords from the K. to demand the Subsidy.

They represent to the Convocation that the King's Affairs requir'd an Aid to be paid *per Proceres, Prælatos, & alios COMMUNES, CLERICOS & Laicos.*

Post quorum recessum Dominus Cant. Archiepiscopus sollicitavit Confratres suos Episcopos & Clerum ad concedendum Domino Regi competens subsidium & eis præcepit quod inter se deliberarent super concessione dicti subsidij, & præmuni-vit quod UNUS CLERICUS DE QUOLIBET EPISCOPATU veniret ad dictam Ecclesiam S. Pauli & ibidem inter se post prandium deliberarent.

They grant a *Tenth*, but on this Condition, *quod Domini & Communes TEMPORALES* grant a *Fifteenth*.

I shall now entertain the Reader with some remarkable Things out of the *Parliament Rolls*, relating to the Clergy's Power of making *Constitutions*, in this King's Reign.

Rot. Parl. 8. *E.* 3. *n.* 9. the Commons Petition, That remedy may be had against Oppressions of the

(a) *Ibid.* fol. 41.

Clergy, for Probates of Wills and Citations for Triffles.

Answer.

The K. will herein do his best, and chargeth the Bishops to do the like.

Rot. Parl. 18. E. 3. And be it remember'd, that the Commons put up certain Petitions to the K. in Form following.

Item, The Commons pray that whereas a Constitution is made by the PRELATS to take Tyth of all manner of Wood, which thing was never used, and that Bondwomen and Wives may make a Will, which is against Reason, that it will please the K. by himself and his good Council to ordain remedy, and that his People remain in the same state as they have been accustomed to be in the times of all his Progenitors, and that Prohibitions be granted to all those which are impleaded of Tyth Wood without having Consultation.

Answer.

The K. will that Law and Reason be done; which was a denial.

Rot. Parl. 21. E. 3. Item, The Commons shew that whereas of late the Archbishop of Cant. and the other PRELATS have ordain'd a Constitution to give Tyths of Under-wood only sold, whereas before these times no Tyths were given, and now the People of Holy Church by force of that Constitution, take and demand those Tyths as well of great Wood as of Under-wood sold, and not sold, against that which hath been used time out of Mind, to the great damage of the Commons, whereof they pray remedy of one Point and of the other.

Answer.

The Archbishop of Cant. and the other Bishops have answer'd that such Tyth is not demanded by reason of the said Constitution, except of Underwood.

Rot. Parl. 36. E. 3. the Commons Petition'd the K. Whereas in the great Pestilence of late, the

Chaplains are become so dear, that they will not stay with any under 10 or 11 Marks, to the great grievance and oppression of the People, that it will please him to speak to all the Archbishops and Bishops to provide a remedy by making a Constitution upon them, what they shall take in certain, and upon pain of Excommunication, and other Coercions of Holy Church.

The Archbishop and Bishops at the motion of the King and the Lords, have ordain'd a Punishment upon Parochial Chaplains, which by any colour sever receive above 6 Marks; and yearly Chanterers, and not applying themselves to the Cure of Souls, taking above 5 Marks without Dispensation from the Bishop; should be suspended from their Office, &c.

And for this the K. and the Peers have ordain'd, and it is agreed that no secular Man of the Kingdom pay more than 5 Marks to any yearly Chaplain, &c.

Rot. Parl. 45. E. 3. the Commons Petition That the Statutes of the Priests by ASSENT OF THE CLERGY may be observ'd.

Rot. Parl. 46. E. 3. Item, his Commons pray, that whereas before these times it was ordain'd that the Archbishop of Cant. and other Bishops cause amendment of this, that their Commissaries, and Officials of Archdeacons, and other their Ministers, take excess for the proving of a Will, and thereof to make Acquittance, and if they should not, that the K. make enquiry by his Justices of such Excesses, and if they find them so, to be adjudg'd for Extortion; and for that such Justices are rarely appointed by Commission to enquire of such Excesses and Extortions, a Man cannot yet have aid of such Injuries done, and for this cause the aforesaid Commissaries and Officials, and their Ministers, have taken more than they were wont to do, for default
of

of Punishment: That it will please you to set down in certain how much they should take, and if they take above, &c.

The King's Answer,

The King hath commanded the Prelats that they make due and covenable amendment, and if they do not, the K. of his Signory will ordain covenable remedy.

Convocations in the Reign of R. II. under Sudbury, Courtney, and Arundel, Archbishops.

1. **R**IC. 2. a Convocation was summon'd for a Subsidy in obedience to the King's Writ, Dat. Sept. 29. and extant in the *Close Roll* of this Year (a). Two Tenths (b) were there granted.

A Convocation for a Subsidy at St. Paul's, May 9. 1378. 2. R. 2.

Those things which I thought remarkable in the Acts of that Convocation are these.

v. *Id. Maij dicto rev. Patre una cum alijs Confratribus & Suffraganeis suis ac nonnullis Procuratoribus aliorum Prælatorum & Cleri in domo Capitulari constitutis, idem rev. Pater præcepit quod Procuratores prædicti exirent dictam domum Capit. inter se tractaturi, quibus exeuntibus dictus rev. Pater cum*

(a) M. 31. Dorso. ap. Pryn Brev. Parl. Vol. 1. p. 70. (b) Antiq. Brit. p. 258. (c) Reg. Sudbury f. 53. 55.

dictis Suffraganeis in eadem domo secrete tractavit.

xvi. Kal. Junij dicto venerab. patre in domo Capit. personaliter constituto, dictis Confratribus & Suffraganeis suis Episcopo Rossensi excepto, ac aliis Prælatiis & quampluribus Procuratoribus Cleri coram eo comparentibus ac inter se tractantibus de modo & forma contribuendi ad defensionem regni & ejus subventionem, & Dominus post tractatum hujusmodi monitos fecit ibidem publice Procuratores dictorum Prælatorum & Cleri, ne quis ipsorum recederet à Civitate Lond. ante dictæ Convocationis negotium finitum sub pœnâ amissionis Procurationum suarum & aliæ multæ eis per EUM imponendæ.

viii. Kal. Junij domus una cum quibusdam Confratribus suis supradictis in quadam domo infra septa domus fratrum Prædicatorum Lond. sedens comparentibus ibidem coram eo Procuratoribus Prælatorum & Cleri, ac inter se melius deliberantibus, &c.

The *Antiquitates Britan.* (a) mention a Synod held this Year, in which certain Constitutions were publish'd, besides that in which the Subsidy was granted.

A Constitution publish'd by Archbishop Sudbury this Year concerning the Salaries of Priests, *de consilio FRATRUM ET SUFFRAGANEORUM nostrorum*, is extant in *Spelman*, ad An.

2 R. 2. the King in a Letter to the Abbot of Selby (b) tells him that whereas some of the Clergy of the Province of York had delay'd the Payment of the Subsidy agreed on in Parliament, he had therefore written to the Archbishop of York, praying, and requiring him (in consideration of that

(a) p. 258. (b) Reg. Selby, Cotton Cleop. D. 3. See the *Rights of Convoc.* p. 339.

Agreement in Parliament, and according to the CUSTOM ESTABLISH'D in Edward the 3^{ds} time, for the Province of York, TO DO ALWAYS AS THAT OF CANT. DID to take effectual care that all his Clergy did their Duty in this respect.

3. R. 2: a Convocation for a Subsidy at St. Pauls the Saturday after Candlemas. In the Acts (a) I find nothing particularly remarkable.

K. Ric. 2. in the 4 Year of his Reign Aug. 26. issued out his Writ (b) to the Archbishop to come to the Parl. to be held at Northampton on Monday next after the Feast of All-Saints, with a Præmunientes to the Clergy; and on Sept. 28. he issued out another Writ to the Archbishop to summon a Convocation to sit at the same place, which accordingly met there in the Church of All-Saints Dec. 1. 1380. The business, the usual one of Subsidies. In the (c) Acts of that Convocation I took notice of these things, *In primis Dominus meus Archiepiscopus in dictâ Eccl. omnium Sanctorum die quo supra existens videns concursum Laicorum ad dictam Ecclesiam confluentium ac loci artitudinem, decrevit Convocationem Clericorum fieri in domo Fratrum Minorum eodem die, & quod omnes Prælati & Procuratores ibidem convenirent & quod hoc omnium procuratorum notitiæ innotesceret, jussit cedula in januis ipsius Ecclesiæ affigi istum tenorem continentem: Nos Simon, &c.*

Convocationem Prælatorum & Cleri nostræ Cant. Prov. alias per nos his præfixam, propter loci ineptitudinem ac etiam ex alijs causis non moventibus in domo Fratrum Minorum istius villæ isto die cum prorogatione & continuatione dierum sequentium fore tenen-

(a) Reg. Sudbury f. 60 the Mandate 58. (b) Ibid. fol. 68. the Mandate fol. 70. b. (c) fol. 71.

dam decernimus & ordinamus. Quo facto accessit ad domum Fratrum Minorum & ibidem in quadam domo secretiori, &c.

Dictus Dominus meus negotia regni & pericula imminencia satis claro exposuit, quibus expositis, protestabatur expresse quod non imponeret nec artaret Clerum suæ Prov. ad aliquod certum subsidium concedendum, hortabatur tamen eos, &c.

Concesserunt unanimiter Domino Regi viginti grossos à singulis Presbyteris promotis & non promotis in Prov. Cant. sub hac formâ quæ sequitur: Concessum est per Clerum, præmissâ tamen protestatione quod oblatio per eos fienda non trabatur ad consequentiam nec possit contra eundem Clerum in argumentum vel evidentiam futuris temporibus allegari, viz. quod omnes & singuli Prælati &c.

It is there observ'd that there came none from the K. as was usual, to demand a Subsidy, but that the Archbishop declared the business to 'em. *Non comparuit alius ex parte D. Regis, qui exponeret Clero negotia, sicut fieri consuevit in alijs Convocationibus.*

An. 1382. the Doctrines of the Wicliffites were condemn'd not by a general Convocation, but a select one summon'd by Archbishop Courtney, consisting of 7 Bishops besides himself (among whom, one was the Bishop of Durham, another the Bishop of Nantes) 16 Doctors of Divinity (3 of the Order of the Preaching Friars London, 4 of the Order of the Minorites, 4 of St. Austin's Order, and 4 Carmelites, and one a Monk of Ramsey) 14 Doctors of the Civil and Canon Laws, in Orders; and 6 Batchelors of Divinity, besides John Bloxham, Warden of Merton-Hall in Oxford, Licentiate in Divin.

(a) *Memorandum quod cum tam inter Magnates, quam populares regni Angl. fuisset fama divulgata nonnullas Conclusiones Hæreticas & erroneas, ac determinationibus Ecclesiæ repugnantes quæ statum totius Ecclesiæ nostræq; Cant. Prov. & tranquillitatem regni nituntur subvertere, in diversis locis dictæ nostræ Prov. generaliter & communiter ac publice prædicari, Nos Willielmus permis. Div. Archiepiscopus Cant. &c. super hijs certiorati, officijq; nostri debitum exercere volentes, quosdam venerabiles Confratres Suffraganeos nostros & alios ac quam plures sacræ pagine, Juris Canonici, & Civilis Doctores & Bacallarios, quos famosiores & peritiores de regno credidimus, & sanctius in fide Catholica sentientes, quorum nomina inferius continentur, convocavimus, & xvii. die Mensis Maij A. D. MCCCLXXXII. in quadam Camera infra septa Prioratus Fratrum Prædicatorum Lond. coram nobis & dictis Confratribus nostris convocatis tunc personaliter præsentibus, dictis Conclusionibus quarum tenores inferius continentur publice propositis & lectis distincte & clare præfatos Confratres nostros, Doctores, & Bacallarios oneravimus in fide quâ tenebantur Domino nostro JESU CHRISTO, & sicut voluerint coram summo iudice in die judicij respondere, nobis super dictis Conclusionibus dicerent, & eorum quilibet diceret suum sentire; & tandem habitâ deliberatione super præmissis xxi. die ejusdem Mensis convenientibus coram nobis in dictâ Camera Confratribus nostris, Doctoribus, & Bacallarijs prædictis, dictis Conclusionibus iteratâ vice lectis & clare expositis, de nostro eorumq; omnium communicato consilio extitit declaratum dictarum Conclusionum aliquas esse Hæreticas, & aliquas erroneas, & determinationem Ecclesiæ contrarias, prout infra plenius liquet, & quia per sufficientem informationem invenimus dictas Conclusiones in multis locis dictæ nostræ*

Prov. fuisse ut præmittitur, prædicatas, & certas personas aliquas illarum tenuisse & docuisse, & de Hæresi vehementer & notorie fore suspectas, processus fecimus tam in genere quam in specie infra scriptos.

The Heresies and Errors then condemn'd, together with the Processes consequent upon it, may be seen in *Fox ad An. 1282.* Translated out of Courtney's Register, and in Spelman's Councils Tom. 2. p. 629. &c. See Knyghton ad An.

A Convocation *An. 1282. Nov. 18.* at St. Fredefwyde's Church in Oxford, for the granting a Subsidy and extirpating Heresy. *Ibid. fol. 33, &c.*

The King's Writ mentions only the Matter of a Subsidy. The Mandate threatens those that shall be absent without a reasonable Cause. The Archbishop assisted by 2 other Bishops said Mass, and the Chancellor of the University Preach'd.

The 2d Day all being met (a), *dictus reverendus Pater hujusmodi negotia (Regis) dictis Prælati & Clero exponens præcepit Procuratoribus Cleri cujuslibet Diæc. quod convenirent in aliquo loco decenti & honesto & de præmissis tractarent ad invicem.* But this was but for that time, for afterwards they met and treated together with the Bishops. *Idem reverendus Pater una cum dictis Confratribus suis & Procuratoribus Cleri convenientibus & super præmissis diligenter tractantibus, &c.* The Archbishop's Commission to the Bishop of Lond. and Winch. to supply his place in the Convocation may be seen fol 35.

In that Convocation divers of Wickliffe's Followers were forced to Abjure by vertue of the Arch-

(a) f. 35.

bishop's Decrees above mention'd, whereby his Tenets were condemn'd. And a new Constitution was made by the *Archbishop and his Suffragans* condemning the same.

After this the Convocation was remov'd from *Oxford* to the Chapter-house of the Preaching Friers *London*, by the Archbishop's Authority, *etiam de consensu Confratrum & Suffraganeorum nostrorum tunc ibidem præsentium ex certis & legitimis causis nos & dictos Confratres nostros moventibus* : As the Archbishop says in his Commission whereby he delegates the Bishops of *Lond.* and *Winton.* to supply his place there, being not Well. It began to sit there on *Hilary* Day. All that was done in that Session was the adding another Subsidy to what they had granted in the former.

A Convocation at *St. Pauls* (a) *Dec. 2. 1383.* for a Subsidy. After Mass they all went up to *St. Maries* Chapple where the Archbishop Preach'd. After which, the *Certificatorium* being read, he declared in *Latin* the reason of the Convocations being call'd, and adjourn'd to the Morrow. The *Official* then supplied his place, and receiv'd the Clergy's *Procuratoria*, and then adjourn'd. The next Day the Archbishop himself came, & *præcepit dictis Procuratoribus, quod ad ALIQUEM LOCUM in tali negotio HACTENUS consuetum se declinarent ac diligenter tractarent.* The next Day another Subsidy was desired for the Pope.

An. 1384. May 20. (b) a Convocation at *Sarum* in the Cathedral. After Mass at the high Altar, the Bishop of *Landaffe* preach'd in *St. Maries*

(a) fol. 78. the Writ is fol. 329. (b) fol. 79.

Chappel. The *Certificatorium* being read, the Archbishop adjourn'd the Convocation to the next Day, because many were not yet come, *ad comparendum coram eo in eodem loco*. May 21. *coram D. Archiepiscopo in Capella præd. Prælati & Clero comparentibus, propositisque per Dominum — negotijs — Domini Prælati per se, & Procuratores Cleri seorsum de ipsis negotijs aliquandiu tractarunt.* — Many being still absent, he adjourn'd to May 22. and then to May 24. *expectando absentes. Quo die Mensis 24. coram Domino Archiepiscopo Prælati prædicti & Clero ut supra comparentibus, & Prælati locum suum ibidem tenentibus, Procuratores prædicti in DOMO SCHOLARUM in Cæmeterio dictæ Ecclesiæ situatâ, ad invicem de negotijs ipsis tractarunt.* A Subsidy granted.

A Convocation at St. Pauls (a) Dec. 1. 1384. for a Subsidy in which there being one *Dism* given, the Parliament soon after gave the K. 2. *Quindisms*, on condition the Clergy would give 2. *Disms*. This the Clergy look'd upon as an invasion of their Liberties, and the Archbishop in full Parl. protested against it, and got it to be alter'd, openly declaring in Parliament, that unless that Condition were omitted, he would never call a Convocation for a Subsidy any more.

(b) *Memorandum quod xvii die mensis Dec. A. D. MCCCCLXXXIV. & regni Regis Ricardi secundi post Conquestum octavo, in pleno Parlamento ejusdem Domini Regis Die & Anno supradictis tento apud Westm. audito per D. Will. d.g. Cant. — Archiepiscopum, &c. quod Milites Comitatum, Cives Civitatum*

(a) fol. 8. (b) fol. 81.

& Burgenses regni Angliæ tunc ibidem pro dicto Parlamento convocati, dicto Domino nostro Rege quoddam Subsidium in supportationem oneris eidem Domino nostro Regi & Regno suo incumbentis duas Quintasdecimas à populo Regni sui levandas sub certâ conditione eidem Domino nostro Regi solvendas concesserunt, viz. quod Prælati & Clerus dicti Regni, præfato Domino nostro Regi duas decimas de beneficijs suis Ecclesiasticis ad decimam solvere consuetis simili modo concederent, prout in quadam cedula indentatâ concessionem & conditionem hujusmodi continente per eos porrectâ plenius apparebat. Et statim præfatus Dominus Cant. Archiepiscopus assistentibus sibi alijs Confratribus Suffraganeis suis tunc presentibus, coram dicto Domino Rege Episcopis & alijs Prælatibus, Comitibus, Baronibus & populo in pleno Parlamento inibi congregatis, dixit expresse, & publice protestabatur quod cum sanctâ matre Ecclesiâ tam toto tempore dicti Domini Regis, quam progenitorum suorum, in plenâ suâ libertate perstitit, non potuit de jure nec debuit ad conditionem hujusmodi observandum artari. Dixit insuper publice idem Archiepiscopus quod nunquam de cætero cum Clero suo super aliquo Subsidio Regi concedendo tractaret, nec Convocationem faceret hac de causâ donec dicta conditio rejecta fuerit & deleta. Quâ protestatione factâ, præfatus Dominus noster Rex volens, ut asseruit, Ecclesiam suâ pristinâ libertate gaudere, hujusmodi conditionem de cedula memoratâ extrahi sive abradi omnino præcepit & fecit publice tunc ibidem.

In this Convocation, the Prelats and Clergy treated always together without ever separating:
(a) Dominus—totum negotium usq; in Dec. 5. continuavit præfigendo eisdem Confratribus suis & Clero eosdem diem & locum ad tractandum super præmissis,

præsentibus tunc ibidem Episcopis & Clero; sicq; de die in diem usq; 19 diem Mensis— loco quo supra (domo Capit.) Archiepiscopus & Episcopi una cum Procuratoribus Cleri— de & super præmissis tractarunt, & tandem concesserunt, &c.

The 5th of Jan. following, the King issued out his Writ to the Archbishop, for the summoning another Convocation for a Subsidy, to meet at Lond. *ad certum diem citra mediam Dominicam Quadragesimæ (a)*

The Archbishop writes to the K. a Letter (in French) in Answer to it, setting forth, that within that time they could not meet; being unwilling to obey him, and chusing to save the Clergy by calling no Convocation, tho' thereby he hazarded his own Temporalties.

Litera Cancellario & Thesaurario Angliæ directæ pro dictâ Convocatione in suspensio ponendâ (in French)

Litera Episcopo Landavensi Domini Regis Confessori directæ; about the same matter.

Venerabilis Frater, & amice charissime; Dilectio vestra sciat quod in crastino Purificationis B. Mariæ recepimus Breve Regium, per quod Dominus noster Rex nos rogat mandando quod Prælatos & Clerum nostræ Prov. citra Dominicam mediæ Quadragesimæ faceremus pro novo concedendo Subsidio convocari: Super quo eadem Domino nostro rescribimus, dilationem petendo prout ex copiâ literarum quas sibi transmittimus hijs inclusa poteritis informari. Vestram igitur Fraternitatem de quâ summe confidimus, toto corde rogamus, quatinus si contingat materiam illam in præsentia vestrâ, tractari pro vestra & totius Cleri utilitate, & præcipue pro conservatione libertatum Ecclesiæ Anglicanæ

(a) f. 82.

interponere dignemini partes vestras, & juxta materiam vobis ex hujusmodi literarum serie manifestatam, vestrum nobis exinde sanum consilium deliberate transmittere, qualiter viz. Confratres nostri Prælati & Clerus ab exactiōe hujusmodi comminata liberi esse possint, etiamsi proinde indignationem Regiam debeamus incurrere, & confiscationem bonorum nostrorum temporalium sustinere. Nescimus enim si hujusmodi Brevis nunc pareamus hac vice, aut contemptus regius contrahatur necne. Credimus tamen quod omnis Clerus convocari non valeat nisi scripserimus pro eodem, si Convocatio nulla fiat, Clerus in tranquillitate persistet & nos tantummodo patiemur angustiam, cujus eventui nos hilariter exponemus. Augeat vobis Altissimus dierum longitudinem & salutem. Script. apud Exon. v. die Febr.

Consimilis litera emanavit Episcopis Lond. Wint. & Exoniensi.

Item postea scriptum fuit Episcopo Lond. pro Convocatione faciendâ de qua Breve prædictum exigat, & Dominus Cant. commisit vices suas Dominis Lond. & Wynt. Episcopis in quâ Convocatione nihil fuit concessum. Et iidem Episcopi continuarunt eandem Convocationem usq; in diem Lunæ prox. post festum Corporis Christi. Et Dominus misit ad dissolvendum eandem in formâ quæ sequitur.

Willielmus, &c. Ven. Fratribus nostris Roberto d. g. & Willielmo eadem G. Wyntoniensi Episcopis salutem &c. Quia ut intelleximus Procuratores Cleri nostræ Cant. Prov. jam in ultimâ Convocatione ejusdem Cleri in Ecclesiâ S. Pauli Lond. factâ, & per vos auctoritate nostrâ usq; ad diem Lunæ prox. post instans festum Corporis Christi continuatâ ex communi deliberato consilio coram vobis et alijs Prælati dictæ nostræ Prov. responderunt quod propter sufficientes & rationabiles causas non possunt hac vice Domino nostro Regi de aliquo subvenire Subsidio, nolentes quod idem Clerus noster amplius istâ vice vexetur, volumus & manda-

mandamus quatinus Convocationem eandem auctoritate prædictâ dissolvatis omnino & Clerum prædictum ab omni exactione liberum penitus dimittatis. Dat. &c. fol. 83.

The K. sending his Writ to the Archbishop to take care to have the Subsidy collected which was granted in a late Convocation, and there being great difficulty in it, the Archbishop issues out (a) a Mandate to the Bishop of London, reciting the Writ, to have the Clergy conven'd by their respective Bishops, to know what their intent was when they granted the Subsidy. The Mandate is Dat. Jun. 24. 1385.

Nov. 6. 1384. (b) a Convocation was call'd for a Subsidy to S. Pauls. Adjourn'd several times by Commissioners.

Another (c) on the same account Nov. 5. 1386.

An. 1387. Feb. 26. (a) Convocation was held at St. Pauls for a Subsidy. The Clergy consulted all along with the Bishops: March 3. *habito tractatu cum dictis Suffraganeis, Prælati, & Procuratoribus ibidem existentibus de diversis materijs tangentibus Ecclesiam Anglicanam.* — March 13. *in domo Cap. Procuratores Cleri coram D. Archiepiscopo & Suffraganeis suis postquam ad invicem tractaverint* exhibited their Grant of a Subsidy; which was on condition that York Province did the like, and that the K. maintain'd their Priviledges, and did not demand another Subsidy within a Year. The Absent are proclaim'd contumacious, threaten'd and punish'd. The Writ, in obedience to which this Convocation was summon'd, is Dat. 12. Jan.

(a) fol. 83. (b) fol. 83. b. (c) fol. 84. b. (d) fol. 73.

Regni xi. and by that (a) it is required that the Convocation should sit *Feb. x.* following, tho' it was not held till *Feb. 26.*

An. 1388. by a Writ dated *July 28.* the Archbishop is commanded to call a Convocation (b) *coram vobis in Ecclesiâ B. Mariæ Cantabr. vel alibi ubi expedire videritis die Lunæ prox. post Festum Nativ. B. Mariæ more solito.* A Subsidy was there granted (c) on condition that the K. sail'd to *France* by the *1. Octob.* At the same time there sat at *Cambridge* (d) a Parliament in the Convent of the *Carmelites.*

The K. it seems, did not go according to the Condition of the Grant, and therefore another Convocation was held at *S. Pauls, Octob. 7.* (e) It was Adjourn'd *de diebus in dies,* to *Octob. 20.* by Commissaries deputed by the Archbishop. On *Oct. 20.* the Archbishop and Bishops met. After Mass at the High Altar, they went up to the Chapple above the Quire, where the Archbishop preach'd. After which the Bishop of *London's* Certificatorium and the *Procuratoria* were exhibited. The next Day in the Chapter-house the Archbishop expounded to 'em the cause of their being call'd, which was for a Subsidy. And that was granted.

An. 1391. Apr. 17. (f) another sat at the same place, and for the same business. The Archbishop preach'd in *S. Mariæ* Chappel, setting forth in his Sermon the cause of its being call'd, which was

(a) Extant fol. 85. b. (b) fol. 73. b. (c) Antiq. Brit. (d) *Walsingham.* (e) fol. 74. (f) fol. 75.

for a Tax for the Pope, which was granted on certain Conditions, one of which was, that the Pope should not demand it till he had obtain'd the Consent of the K. and Council. The absent are declared Contumacious, and the Archbishop pronounces that notwithstanding their absence the Grant should be of full Force. In the same Convocation a Decree formerly made by Archbishop *Winchelsea* against the *Stipendary Priests* (a) was confirm'd. *De consilio Suffraganeorum nostrorum ac Cleri nostræ Prov. Cant. — assensu in Concilio nostro Provinc. nuper Londoniæ celebrato.* In this Convocation they seem to have treated separatly. (b) *Apr. 20. coram Domino in dictâ Domo Capit. in negotio Convocationis hujusmodi una cum dictis SUFFRAGANEIS suis & alijs PRÆLATIS ut decuit procedente — Norwycensis Episcopus personaliter comparens causam prioris suæ absentiae personalis humiliter allegavit, unde Dominus eum habuit de morâ protinus excusatum. Demum vero habito inter omnes Pontifices & Prælatos consilio — Dominus Convocationem ad diem crast. &c. Apr. 21. concordati fuerunt & sunt Dominus & Episcopi ac alij Prælati quantum volebant indigentiae — summi Pont. — subvenire. Clerus vero — ex deliberatione matura — concesserunt, &c.*

Between this and Archbishop *Arundel's* time there are other Subsidies mention'd by *Walsingham* as granted by the Clergy, in Parliament, i.e. in Convocations held in time of Parliament.

The same Year 1391. he publish'd an Injunction throughout his whole Province against *Choppe-Churches*, by his own Authority; as also

(a) fol. 76. See *Spelman* Vol. 2. p. 640. (b) f. 76.

Another *An.* 1393. concerning payment of *Tyths*; both extant in *Spelman*, *ad An.*

In the *Rights of Convocation* (a) I find this passage; *Separato Clero ad Claustrum, subtus eandem Domum Capitularem*, cited out of Courtney's Register fol. 156. a. as belonging to the Acts of a Convocation held *An.* 1394. But in the place cited there are no such Words, neither did I ever meet with the Acts of a Convocation of that Year in that Volume, tho' I made a strict search for it. Out of the same Register, fol. 196. a. it is said (b) that in the same Convocation of 1394. the Grant of a Subsidy was delivered to the Archbishop, &c. *per ven. Virum Mag. Job. Barnet ad hoc specialiter Electum*. But neither in that place is there any such thing. I mention not this, as if the Words were very material; but because I would gladly have found a Convocation of that Year, if there were any.

An. 1395. a Synod was held at Oxford, about the 2 *Antipopes*; mention'd by *Knyghton*, who tells us that the K. of France having call'd a Synod about that Affair, the Clergy of France declar'd for P. Clement residing at *Avignon*, and sign'd their Decree with the Seal of the University of Paris. *Quod quidem scriptum Rex Franciæ Carolus transmisit Ricardo Regi Angliæ ut in hijs dubijs deliberaret cum Concilio Cleri sui. Igitur Rex Ricardus fecit Convocationem Oxoniæ de PERITIORIBUS Theologis tam REGENTIBUS quam non REGENTIBUS totius Regni. Qui scripserunt pro Urbano P. suo Romano, & scriptum signaculo Universitatis Oxoniensis fortificare-*

(a) Addit. to the 1. Ed. Addenda p. 135. (b) Ibid.

runt Regisq; Ricardi, & transmiserunt Parisios Regi Franciæ.

An. 1396. Feb. 19. (a) the first Year of Archbishop *Arundel*, a Convocation or Synod was held at *S. Pauls*, which was adjourned by the Bishop of *Exeter* Lord Chancellor, by Commission from the Archbishop, who was absent upon his *Installment*. *Feb. 26.* the Archbishop himself was present, and the Convocation was then begun in form. The Prior of *Cant.* preach'd. After the *Certificatoria* were read, the Archbishop declared the occasion of their Meeting, and then *tractabant ipse Dominus & Episcopi per se de negotijs Ecclesiæ alijs Prælati SEORSUM SEPARATIS.* The next Day he and the Bishops treated again of the Affairs of the Church and Kingdom. The Opinions of the *Wicliffites* were there condemn'd. The Proctor, &c. of the University of *Oxford* making a representation of certain Grievances to the Archbishop as Visitor of the University, *Dominus consuluit cum Episcopis & Prælati ac Clero, ac ALIIS DOCTORIBUS ibidem præsentibus.*

Archbishop *Arundel* being attainted of High Treason and Banish'd by Act of Parliament, *Roger Walden* was made Archbishop in his stead *An. 1397.* who acted as Archbishop, call'd Synods, &c. for 2 years together, till the beginning of *Hen. iv.* when *Arundel* was restor'd. This Constitution for the observation of the Festivals of *S. David*, *S. Cedda* and *S. Wenefred*, is publish'd at the end of *Lyndwood*. *In ultimâ Convocatione Cleri Prov. nostræ Cant. 2. die Mensis Martij A. D. 1398. in Eccl. nostrâ Cathed. S.*

(a) *Reg. Arundel* Vol. I. p. 44, &c.

Pauli Lond. celebratâ, &c. In the same Synod it was ordain'd that there should be a Commemoration of *S. Thomas of Becket* on every *Tuesday*, or some other Day of the Week, constantly throughout the whole Province.

Convocations in the Reign of Hen. IV. under Archbishop Arundel.

AN. 1399. Octob. 6. Regni 1. (a) a Convocation was held at *S. Pauls* in time of Parl. It was summon'd by the *Prior and Chapter of Cant.* *Roger Walden* being then turn'd out, and *Archbishop Arundel* being not yet return'd to his See. *Archbishop Arundel* being oblig'd to be at Parl. the first Day, the Convocation was adjourn'd by the *Prior of Cant.* by vertue of a *Verbal Commission*. The next Day the Sermon was preach'd by the *Bishop of Rochester*. Certain Articles were deliver'd to the Clergy to be debated upon *SEPARATELY*. *Expositâ ibidem per Dominum causâ Convocationis tractabant ipse & Episcopi per se de negotijs communibus Ecclesiæ, alijs Prælati & Procuratoribus Cleri SEORSUM SEPARATIS. Et quia videbatur Domino — & alijs Episcopis — satis difficile omnes, Prælatos & Procuratores Cleri in unum congregare ad concipiendum Articulos ex parte Cleri proponendos, proptor hoc DEPUTAVIT quinque personas, viz. Mag. Th. Stowe Archidiac. Lond. Magistros Th. Southam, Joh. Helmere, Joh. Maydenheth, & W. Stukle, ad concipiendum Articulos*

(a) f. 51. &c. Vol 1.

los ex parte Prælatorum & Cleri super quibus prætendunt Ecclesiam & se gravari.

Octob. 11. venientibus Domino & Episcopis necnon alijs Prælatiſ & Procuratoribus Cleri ad Domum Capit. quia tunc videbatur Domino quod Articuli de & super quibus ipſiſ inter ſe eſſent tractaturi, non poſſent commode inter cæteros publicari, ideo dictis Prælatiſ & Proc. in eadem Domo Capit. dimiſſiſ, dictus Dominus una cum Suffraganeis ſuiſ acceſſit ad Capellam B. Mariæ, where the Dean of Hereford read certain Articles of Grievances to 'em. Which being debated upon, D. Archiepiſcopuſ miſit pro cæteriſ Prælatiſ & Procuratoribus Cleri — quod venirent de dictâ domo Cap. ad dictam Capellam, B. Mariæ coram eo & dictiſ Suffraganeis. There the Articles drawn up by the 5. whom the Archbiſhop had deputed, were read, not by a Prolocutor, for till after that time there was no ſuch thing as a Prolocutor ſtrictly ſo call'd, but by one of thoſe 5 Perſons (a): Quibus ad dictam Capellam venientibus ſurrexit quidam ven. Vir Mag. Joh. Maydenheth nomine Cleri Provinciæ antedictæ, certos Articuluſ ex parte Cleri Prov. antedictæ conceptoſ & quamplurima gravamina continenteſ publice prælegebat. — Super quibus ſupplicavit humiliter & devote ex parte Cleri, &c. The Archbiſhop commanded the Clergy to deliberate further upon 'em, till Octob. 16. Adveniente vero dicto die idem Mag. Joh. Maydenheth alioſ Articuluſ quamplureſ ex parte Cleri prædicti eiſdem Dominiſ Archiepiſcopo & Episcopis publice exponebat. The Articles there exhibited, near 100. in number, if not more, may be ſeen, the greateſt part of 'em, in Arundel's Reg. Vol. 1. Fol. 52. 53.

(a) fol. 52. b.

and Vol. 2. fol. 5. 6. Of this Synod see *Harpfield*
ad An. 1399.

An. 1400. Jan. 26. a Convocation at S. Pauls. The Archbishop in the Chapter-House declared *causas & negotia celebrationis sui Concilij Provincialis CONVOCATIONIS CLERI VULGARITER NUNCUPATI*. In this Convocation *W. Sawtre* was Condemn'd for Heresy, and burnt in *Smithfield*. A Subsidy also granted.

And here it is to be observ'd, that the Sentence pass'd upon *Sawtre*, ran in the Name of the whole Convocation, not of the Bishops only, but also of the *Inferior Clergy*. And the same I observe in all Trials in Convocation, that the lower Clergy are not the Accusers or Impeachers only, as is commonly thought, but they always sit *Judges* together with the Bishops. Such, it seems, is the Nature of an *English Synod*.

An. 1402. Octob. 21. (b) a Convocation at S. Pauls, where the Prior of S. Bartholomews preach'd. The Bishop in his Mandate excuses himself for calling of it. No Writ mention'd: yet a Subsidy demanded and granted. Certain *Lollards* were compelled to abjure the Archbishop and Bishops sitting in the Chapter-House, *alijs Prælati & Clero circumstantibus*. Octob. 30. the Archbishop and Bishops met in the Chapter-House, *alijs Prælati inferioribus & Clero SEORSUM SEPARATIS, QUIA SIBI (illi) VIDEBATUR difficile dictos Prælatos & Proc. Cleri ad concipiendum Articulos (gravaminum) — insimul congregari, demandavit eis*

(a) Vol. 2. f. 1. b. & f. 178. &c. (b) Vol. 1. fol. 54.

ut in aliquo privato loco convenirent & ibidem eligerent certas personas idoneas, —ad Articulos concipiendos. Et sic dicti inferiores Prælati in Proc. Cleri in Basso sub dictâ domo Cap. insimul congregati 12 probos & excellentes viros —elegerunt. It sat at least till Nov. 27. its mention'd as comprehended in the Parl. by the Continuator of the MS. Eulogium: An. 1402. post Festum S. Mich. factum est Parliamentum Londini, ubi xma Cleri & xvma Populi exacta fuit.

Another was held for a Subsidy An. 1403. *Ibid. hoc anno Clerus Angliæ concessit Regi petenti medietatem unius Decimæ. Post Festum S. Hillarij inceptum est Parliamentum & duravit usq; ad Pascha, &c.*

An. 1404. Apr. 21. (a) a Convocation at S. Pauls. No Writ recited in the Mandate. A Subsidy granted.

Another the same Year (b) Nov. 24. for a Subsidy. No Writ recited.

A Convocation held An. 1405. for a Subsidy, is mention'd by the Continuator of the MS. Eulogium. *Hoc anno factum est Parliamentum post Dominicam primam Quadragesimæ, & duravit usq; ad Nativ. Domini. Clerus autem in Convocatione concessit Regi unam xm. & 6 s. 8 d. à quolibet annuario Sacerdote. Sed Laici nihil solvere volebant, nisi eis daretur compotus de receptis, sicut prius ordinatum fuit & per Regem promissum. Rex breviter respondebat quod Reges non solebant compotum dare.*

An. 1406. a Convocation being to meet Apr. 26. and a Mandate being issued out to the Bishop of

(a) fol. 57. (b) 62.

Wint. in the vacancy of the See of London, and a Return made, the Archbishop afterwards thought fit to prorogue (a) the meeting till May 10. and the See of London being still void, and the Bishop of Wint. being beyond Sea, he sends his Mandate to the Bishop of Lincoln, who was as it were the VICE-SUBDEAN of the Province of Cant. to acquaint the several Bishops with its being Prorogued, dat. Apr. 5. *ex certis causis oportunis de consensu Fratrum nostrorum ipsam Convocationem — prorogavimus, prout tenore præsentium prorogamus. Licet insuper vobis seu alij Lincoln. Episcopo qui pro tempore fuerit sede Lond. sive Wint. plena scribi non solebat, quia tamen sedes Episcopalis Lond. — vacat ad præsens ac ven. Frater noster Winton. extra nostram Cant. Prov. & in partibus transmarinis existit, nec scimus si quem dimisit Vicarium cui nostras literas dirigere poterimus, in hoc casu vestræ Fraternitati committimus & mandamus, &c.* On May 10. they met, but the Bishops being engaged in the Parl. the Convocation was often adjourn'd. First came some Lords from the K. to desire a Subsidy; after some Days came several of the Knights of Shires from the Commons to desire the same. Which at last was granted. *In domo Capit. convenerunt Archiepiscopus & sui Suffraganei Procuratoribus Cleri seorsum separatis & Convenientibus in Basso sub Domo Capitulari more solito — Jun. 9. convenientibus Reverendissimo cum Suffraganeis in Domo Cap. & habitis ibidem diversis tractatibus inter ipsos & Procuratores prædictos tunc ibidem CIRCUMSTANTES, &c.* The Proctors standing before the Bishops, and afterwards meeting again under the Chapter-House, is mention'd in what follows.

(a) fol. 65.

An. 1408. a Synod was held at Oxford. K. Henry himself was there present, and Constitutions were there publish'd. Which are extant in the 2d Vol. of our Councils: but the Editor did not know to what Year they belong'd, and therefore he plac'd 'em to the beginning of Archbishop Arundel. That they were publish'd this Year, he might have learnt from the Edition at the end of *Lyndwood*. An account of the same Synod I find in the Continuation of the MS. *Eulogium* extant in the Cotton Library, the Author of which lived at this time; in these Words:

An. 1408. *Archiepiscopus Cant. convocavit Clerum exemptum & non exemptum, exceptis Mendicantibus ad Oxon. In quâ Convocatione fuit Rex, ubi clausurunt manus suas viz. Papales, ut non possent aliquod Beneficium dare in Angliâ, nec aliquid ab Angliâ recipere, ordinantes insuper quod omnia quæ sunt debita Camere Papæ servabuntur in Angliâ quousq; fuerit unum tantummodo Caput in Ecclesiâ Dei. Post paucos vero dies Cardinalis venit in Angliam Franciscus Archiepiscopus Burdigalensis, pro pace tractatur Clerus hoc anno, ibidem statuit, quod nullus Curatus admitteret aliquem secularem Sacerdotem vel Religiosum ad prædicandum in Ecclesiâ suâ sub pœnâ Excommunicationis & Privationis, nisi ostenderet literas licentiales Episcopi ejusdem Diœcesis, &c.*

The Archbishop of Burdeaux as Legat, held a Council at London for all England, Scotland and Ireland, soon after the Synod of Oxford, as the Continuator of *Eulogium* tells us. *Post paucos vero dies* (after his coming to London, and that was a little while after the Synod at Oxford) *convocavit Concilium Episcoporum Angliæ, Scotiæ, & Hybernæ, & Cleri, in præsentia Regis faciens Collationem accepit pro Themate, Verbum ad te, O Princeps: Et notabiliter causam Ecclesiæ*

Ecclesiæ peroravit. Cui conclusionaliter responsum est quod Anglici promiserunt suam assistentiam Ecclesiæ Romanæ ad ejus unionem, &c.

The same Year 1408. July 23. (a) a Convocation was held at S. Pauls in causâ Unionis, for the uniting of the Church under one Pope, which stood then divided under two. The Persons present are said to be the *Bishops, Abbots, Priors, and the other Prelats and Clergy.* — *Clero vero Inferiori à Præfatis Majoribus Prælatiis seorsum separato & in Scolis Theologiæ sub Domo Cap. præfatâ, JUXTA ASSIGNATIONEM præfati D. Archiepiscopi, conveniente MORE SOLITO, iidem Ven. Patres Archiepiscopus Cant. Episcopi, Abbates & Priores — post varios tractatus — tandem unanimi consensu 6. Episcopos ac 12. Abbates & Priores ex seipsis ibidem præsentibus decreverunt fore eligendos, to consider of means to put an end to the Schism, and to make the Report to the rest. Similiq; modo Clerus Inferior in loco sibi DEPUTATO constitutus post nonnullos & varios tractatus — decrevit ex se ELIGENDOS 24. personas probiores & peritiores, prout statim elegerunt, ad consimiliter ex parte Cleri ejusdem Inferioris faciendum. — Quarum 24. personarum electionem factam idem Inferior Clerus incontinenti præfatis Archiepiscopo & Prælatiis in Domo Capit. ut decuit retulit seu fecit referri. July 26. the Archbishop treated the whole Convocation at Lambeth. July 29. the lower Clergy, gave in their Proposal to the Upper-House by one Henry Ware the Official of the Court of Cant. whom they deputed for that purpose nomine & vice sua. In (b) Rights of Convocation there is a double Mistake concerning these Com-*

(a) Arundel Vol. I. f. 71. &c. (b) P. 447.

mittees. For first they are there understood to have been one grand Committee of both Houses, whereas they were 2 distinct Committees; and secondly they are mention'd of the wrong Convocation, for they are said to have been appointed in the Convocation of January 1408. instead of this of July. That they were not one, but 2 distinct Committees, appears from these Words: *Supradicti Prælati Majores per se, Clerus etiam per se in loca sua supradicta invicem convenerunt, & postea media & vias varia per personas ad hoc electas utriq; societati in locis suis expositas & detectas ad finem supradictum tendentes, tam præfati majores Prælati quam etiam ipsi de Clero inferiori, QUAMVIS LOCO DISTANTES, Deo tamen inspirante, opinione concordēs, hanc quæ sequitur inferius viam elegerunt, &c.*

It was propos'd that Embassadors should be sent to the College of Cardinals with certain Instructions in the Name of the King, the Clergy, and the People of England; and a Tax was granted by the Clergy for the expences of their Embassadors. This Proposal being made at the request of the Convocation, the King himself came thither, and sat with 'em, and ratified what they had resolv'd upon. In the Archbishop's citatory Mandate there are summoned to this Convocation one Proctor OR MORE for the Chapters, and such for the Clergy as were able to bear their own Expences, without burdening the rest. *Capitula Ecclesiarum per UNUM AD MINUS fide dignum, sufficienter literarum, providum, & discretum: Clerusq; cujusque Diocesis per duos consimiles pariter & potentes, qui suis sumptibus & expensis absq; pauperis Cleri dispendio poterunt interesse.*

On the *January* 14. (a) next following, *An.* 140⁸. another Synod or Convocation was held at *S. Pauls*, for the sending of Proctors for the Church of *England* to the Council of *Pisa*. And there the Constitutions of the Synod of *Oxford* were published anew, *Eodem die idem Reverendissimus, &c. de consilio & assensu Prælatorum ac petitione Cleri prædictorum publicavit quasdam Constitutiones Provinc. quas alias edidit in Concilio Provinciali OXON.*

The Constitutions Dated at *Oxford* are extant Vol. 2. *Arundel* fol. 10. Sir *W. Dugdale* (b), by an odd mistake, has published 'em in 2 several places, first, as belonging to the Synod of *Oxford*, and then again as belonging to this Synod, not perceiving that they were the same.

In the Acts of this Convocation the Prelats and Clergy are mention'd to have sat in separate Houses, and to have come together to Debates. *Prælati in Domo Cap. superius, & dicto Clero in Valto inferius, sub eadem Domo Capit. separatim MORE SOLITO.* — *Eundo, stando, & redeundo sic separatim in locis prædictis diligenter tractaverunt.*

Harpfield tells us that there were two Synods held this Year 1408. by the Archbishop, one in *July*, the other in *February*, after the coming of the Archbishop of *Bordeaux*: meaning, I suppose, this of *January*, which was dissolv'd the 30th of the same Month: Or perhaps he meant that which follows.

(a) Reg. *Arundell* Vol. 2. f. 7. &c. (b) Concil. Vol. 2. p. 649. 662.

An. 1409. Febr. 17. (a) a Convocation, &c. sat at S. Pauls, in obedience to the King's Writ, which is recited in the Archbishop's Mandate. A Parl. sat at the same time. Certain Lords came from the K. to demand a Subsidy, which was granted. Articles were there exhibited against J. Badby for Heresy, for which he was condemn'd by the Archbishop's Sentence, and burnt in Smithfield.

*An. 1411. Dec. 1. (b) a Convocation at S. Pauls for a Subsidy, in Parl. time. The Writ inserted in the Letters Mandatory. A Roll of Grievances exhibited by the Clergy. A certain Friar running about and pretending himself a Bishop, was prohibited by the Archbishop, *auctoritate sua & suæ Convocationis provincialis*. Other Forgers of the Pope's Bulls were convicted and imprison'd. The Archbishop *accerfito sibi Clero* (c) consulted what ought to be done to 'em.*

An. 1412. Martij 6. Henrici iv. 14to. (d) a Convocation was held at S. Pauls by vertue of the King's Writ. The Archbishop being to be absent in Parl. gave a vocal Commission to one to supply his place. By several Adjournments it was continued to June 6. at which time it sat at Lambeth in the Parish Church, where many Heretical Conclusions were condemn'd. And here it ought to be observ'd, that tho' the Convocation was summon'd in obedience to the King's Writ, yet it was continued for some time after his Death, for he died March 20.

Extracts out of the *Parl. Rolls* in this Reign, touching Ecclesiastical Constitutions.

In the *Parl.* of 4. *Hen. IV.* the *Commons* Petitioning that the Statute of *Edw. III.* which restrain'd the Salaries of *Chaplains*, might in this *Parl.* be ordain'd to be firmly kept; the King answer'd:

The K. calling to him such of his Counsel as shall like him, by good deliberation will ordain convenient remedy.

To another Article of their Petition against Non-residents, his Answer is:

The K. hath commanded the Prelats, that between this and the next Parl. they provide a remedy, and that hereafter, no Request be made to the contrary, by any secular Man, or any other, against such remedy so to be made.

In the *Parl.* of 11. *Hen. IV.* the *Commons* petitioning for an Act of *Parl.* against Non-residency, &c. the K. answered:

This matter belongs to Holy Church, and concerning the Residence remedy hath been provided in the last Convocation, and for the rest, the K. will be advised.

Convocations in the Reign of Hen. V. under Arundel and Chichley Archbishops.

A N. 1413, in Septemb. (a) the Convocation was held at *St. Pauls*, in which Sir *J. Oldcastle*, Lord *Cobham* was Tried for Heresie; who was after the dissolution of the Convocation, Condemn'd by the Archbishop. He appeared before the Convocation the first time, Sept. 23. The

(a) Vol. 2. f. 142. b. 66.

Archbishop in the Account which he gives of the Proceedings against him, directed to the Bishop of London, says, that he affirmed among other things, *Quod NOS & CONFRATRES NOSTRI SUFFRAGANEI, nostræ Provinciæ non habuimus nec habemus potestatem aliquam hujusmodi Constitutionem faciendi aliter quam sentijt & sentit, &c.*

An. 1415. Nov. 18. a Convoc. (a) was held at St. Pauls, under Archbishop Chicheley, for a Subsidy. The Sermon preach'd by the famous Canonist Will. Lyndwood the Archbishop's Chancellor, on this Text, *State super vias, & videte.* In this Convocation we have the first mention of the Name of Prolocutor. Nov. 19. *idem Reverendus Pater conveniens in Domo Capit. cum Suffraganeis suis, Abbatibus, Prioribus, Decanis, Archidiaconis, & Procuratoribus Cleri suæ Prov. in multitudine copiosâ, exposuit eis causas suæ Convocationis, quibus expositis, Decani, Archidiaconi, & Procuratores Capitulorum & Cleri, de Mandato Domini traxerunt se in Domum inferiorem sub Domo prædict. Capit. & infra tempus modicum redeuntes per ven. Virum Mag. Henricum Ware Offic. Curie Cant. vocis suæ organum & PROLOCUTOREM electum, concesserunt Domino nostro Regi &c.* In this Convoc. a Constitution was made for the Observation of S. George's Day, as also of the Festivals of SS. David, Cedde, and Wenefrede; which ! Archbishop Walden's Convocation had been commanded to be observ'd, but he being turn'd out, had been neglected during Arundell's time.

An. 1416. Apr. 1. Another (b) was held at S. Pauls. in which Proctors were nominated to go to the Council of Constance, and a Tax granted for their

(a) Reg. Chich. vol. 2. f. 1. 164. b. 189. b. (b) f. 4. &c. 190, 217
Charges.

Charges: A Constitution was also made for the observation of the Festival of S. *John* of *Beverley*. Other Constitutions were there made against the *Lollards* and concerning Wills. Two Persons tried for Heresy. And something was done relating to the Subsidy granted in the former Convocation. The Inferior Clergy are no where mention'd here as Debating separately, but always together with the Archbishop, &c. in the Chapter-House, which is mention'd in divers places, and at divers times.

Another (a) the same Year, and in the same place, on *Novemb. 9*. The cause of its being summon'd was not declar'd by the Archbishop till *Nov. 16*. The next Day there came in certain Great Men from the K. who recommended the State of the K. and Kingdom to the devout Prayers of the Clergy, and then withdrew: only the Bishop of *Winchester*, and *Henry Ware*, Keeper of the Privy Seal, a Clergyman, who were two of 'em, stay'd there. There a certain vicious Clergyman who affirm'd *Adultery* and *Theft* to be no Sins, was order'd to be prosecuted, and another offer'd voluntarily to purge himself from *Lollardy*, which some had laid to his Charge. A Subsidy granted. Something besides was Decreed for the honour of S. *John* of *Beverley*, and of SS. *Crispin* and *Crispianus*. It appears that the Inferior Clergy acted all along together with the Prelats, and never Divided. The Archbishop in his Mandate, wherein he Commands the Bishop of *London* to punish those that were absent, says, that having a mind to celebrate a *Concilium generale* with his Suffragans, he had order'd *universos Prælatos inferiores, quos Conciliorum tracta-*

(a) f. 6.

ribus interesse jubent sacri Canones, to be summon'd.

An. 1417. Nov. 26. (a) another was held at S. Pauls. The Chapters are summon'd *per UNUM vel DUOS Canonicos sive Monachos ipsarum Ecclesiarum Confratres* — *ita quod unus eorum AD MINUS, si Canonici sint, sit de actualiter residentibus in eisdem.* Conventualium verò in eventum quo eorum Prælati ex causis necessarijs comparere non poterunt, *per unum de Confratribus in Conventu magis idoneum.* The chief business of it was, and that is expressed in the Mandate, to consult about the promotion of Graduates in the 2 Universities. Certain Persons were elected out of every Diocese, *ex communi & communicato consilio totius Provincialis Concilij,* to consider of Ways and Means. They consisted of the Lower as well as of the Upper Clergy, but all below Bishops, as particularly, *pro Diœcesi Ciceſtrenſi Magister Johannes Hody (b),* a great Uncle of mine, (if the Reader will pardon me for mentioning so much) afterwards Chancellor of the Church of Wells. A Constitution was made for that purpose. A Subsidy granted. One John for his exceeding low Stature, surnamed DWERF, being suspected of Lollardy Abjur'd it. Neither in this Convocation did the Inferior Clergy ever separate from the Prelats, but they are every where mention'd as *inſimul congregati in Domo Capit.*

An. 1419. Octob. 30. a Convocation was held at S. Pauls, partly for a Subsidy for the K. (as the Archbishop declares) partly to raise Money for the Expences of those that were to be sent to the Council of Constance, and partly *pro defectibus in Clero regnantibus auctoritate illius Provincialis Concilij reformandis.* Super quibus idem rev. Pater AS-

(a) f. 10. (b) f. 12. a.

SIGNAVIT Decanis, Archidiaconis, & Cleri Procuratoribus quod recederent in Domum suam solitam, &c. The Clergy soon after return'd into the Chapter-House, and made a Proposal, and there confer'd with the Prelats, and so ever after. A certain Clergyman was there tried for a Conjurer. And others were forced to abjure *Herefy*. In this Convocation Dr. Lyndwood was Speaker for the Clergy, yet after the beginning, they sat always (as I said) together with the Prelats, in the Chapter-House. *Domino cum Confratribus suis & Clero in dictâ Domo Capitulari congregatis tractatum fuit diu de subventionem D. Regi fienda, & finaliter post longam & deliberatam communicationem in hac parte factam Prælati & Clerus per ven. Virum Mag. W. Lyndewode utriusq; juris Doctorem, organum PROCURATORUM Cleri, ut DICEBATUR, gerentem, concesserunt D. Regi, &c.*

An. 1421. May 5. (a) another at S. Pauls, partly for a Subsidy, and partly to consider how the poor Students of the 2 Universities might be promoted. The Chancellors of the 2 Universities having presented their Petition, *recedentibus tunc de MANDATO DOMINI Procuratoribus Cleri in Domum suam inferiorem, pro tractatibus fiendis in hujusmodi Convocatibus consuetam, Dominus & Confratres sui remanserunt in Domo Cap.* — *Die Veneris Concilio ut prius insimul congregato* — *tandem post non modicam communicationem habitam* — *Ven. Vir Mag. W. Lyndewode Curie Cant. Officialis, produxit unam cedula papi formam concessionis, &c.* together with Articles of Grievances, After this the Clergy sat always and debated together with the Prelats. A Lollard is forc'd to recant; and a Forger of Indulgencies tried. A Constitution made to

(a) f. 23. b. &c.

ascertain Fees to Bishops and Archdeacons for their Seals. Another for the advancement of Graduates in the 2 Universities, A 3d against the excessive Salaries of Chaplains. The *Articuli Cleri* with the King's Answers are there recorded.

An. 1422. Jul. 6. (a) a Convocation at S. Pauls for the raising Money for the Expences of those that were to be sent to the Council of Papia. The Clergy at first debated the Matter together with the Prelats, *tandem Dominus DEMANDAVIT publice & in genere omnibus Cleri Procuratoribus tunc ibidem præsentibus quod recederent de Domo Cap. & adirent Domum inferiorem solitam pro Cleri Procuratoribus, & ab antiquo in Cleri Convocationibus ASSIGNATAM eisdem, ibidem insimul tractaturi.* For 2 or 3 Days they debated there separately; but afterwards they return'd to the Chapter-House and sat with the Prelats. A Person was punish'd for forging Orders. Another forc'd to abjure, who was suspected of Heresy.

Extracts out of the Parl. Rolls of Hen. v. relating to Ecclesiastical Constitutions.

In the Parl. of 1. Hen. V. the Commons petitioning for an Act against Extortions upon the Probate of Wills; the K. answered thus: *The K. had charged the Lords Spiritual to provide a due remedy, and if they do not, the K. will have it in remembrance, and cause it to be amended hereafter.*

To another Article of their Petition, which was against Commutations of Pennance for Money, the K. answer'd in almost all the same Words.

In the Parl. of 2 Hen. V. held at Leicester, the Commons petitioning the K. for an Act against Extortions for the Probate of Wills, the K. answer'd:

The Prelats have promis'd the K. that full Redress, and Correction shall be made by Order taken amongst

(a) f. 31. &c.

them, within half a Year after that the See of Cant. shall be full, and also the said Prelats have promis'd the K. that in the mean time they will do their endeavour for the amendment of all such things which in that behalf shall be to them complain'd of.

An. 1424 Octob. 12. (a) a Convoc. at S. Pauls. The Clergy in the beginning debate together with the Prelats, and the Proxies retire in *Domum inferiorem*, *Clero pro tractatibus habendis in Convocationibus antea celebratis solitam ASSIGNARI*. But after that, they sate and consulted always together with the Prelats, A Lollard forced to abjure. A Forger of Papal Letters punish'd. A Constitution made against PARDONERS or the Publishers of Indulgences. Certain great Men are sent from the K. to demand a Subsidy, the Clergy after some Debate, being ask'd by the Archbishop *quid in hac parte facere disponderet*, *Procuratores ejusdem Cleri per Mag. Lyndewode—responsum dederunt &c.* that they could not do it by reason of the Poverty of the Clergy: *Et dixerunt ulterius ijdem Procuratores quod potestas sua à concessione cujuscunq; subsidij per instructionem eis datam in partibus à constituentibus pro eâ vice totaliter esset refrænata*. After some Days, the same Great Men came again from the K. about the same Business, but were again denied. Nov. 4. *concilio loco quo prius congregato, habitâ longâ & maturâ deliberatione pro habendo Subsidio hujusmodi, tandem attento ad illud quod Cleri Procuratores allegaverant per prius ut præferitur viz quod potestas eorum per instructionem eis datam à constituentibus esset refrænata à quacunq; concessione alicujus Subsidij faciendâ*; and considering withal, that many of the Abbots and Priors and other Prelats were absent, the Archbishop Prorogued the Convocation till Jan. 26, *per avisamentum expressum & consilium Confratrum suorum Coepiscoporum*.

(a) f. 34, &c.

The Archbishop issues out his Mandate to the Bishop of London to be communicated to the several Bishops. In which he says, that if he had pleased he might have over-ruled that Plea of the Clergy concerning their limited Commissions, because they were not customary— *necnon instructione minus sufficienti & insolita Procuratorum Cleri ad tunc comparentium coram nobis, ut asseruerunt Procuratores prædicti, sibi data (negotia) remanserunt inexpedita. Unde nos licet contra absentes acriter processisse potuissimus & eorum contumaciam legitime punivisse, necnon Procuratoria hujusmodi tanquam insolita & insufficientia, de consensu tamen Confratrum nostrorum ad tunc nobis assistentium cum ipsis hac vice mitius agendum decrevimus.* He names in a Scedule all the Deans, Archdeacons, Abbots, Priors, and other Prelats, whom he would have summoned : *quos ad parcendum aliorum pauperum locorum sumptibus & expensis nominatim describi fecimus, & quos quatenus diversas Dioceses concernunt in cedulis separatis describi & per vos Diocesanis locorum transmitti volumus :* He requires the Bishops to convene the Clergy of their Dioceses, *ad finem quod Clerus singularum Dioc. hujusmodi cum Procuratoribus suis super arduitate rerum & negotiorum prædictorum communicare valeant solide & mature, & eisdem Procuratoribus absq; restrictione insolita plenam & liberam concedere potestatem ad consentiendum hijs quæ in dictâ Convocatione contigerit concorditer ordinari.*

At the Day appointed, all being met in the Chapter-House of S. Pauls, the same Great Officers came agen from the K. to 'em. *Et finita expositione hujusmodi Procuratores Cleri DE MANDATO DOMINI recesserunt de Domo Capit. in Domum inferiorem, ubi tractatus Cleri Procuratorem in talibus Concilijs fieri antiquitus consueverunt.* The Bishops, Abbots, and Priors agreed upon a Subsidy for their
own

own Parts, but upon condition that the *Procuratores Cleri cum bonis medijs induci possent ad concessionem huiusmodi faciendam, alioquin voluerunt ipsi Prælati & Episcopi consensum eorum in hac parte nullius esse roboris vel momenti, pro eo viz. quod divisio inter Prælatos & Clerum in concessionibus huiusmodi faciendis res erat insolita & inaudita; ac, ut videbatur omnibus Prælati propter malorum exempla & inconvenientias quæ exinde sequi possent omnino divisio huiusmodi esset penitus evitanda.* But the Clergy would grant none. After some Days the Great Officers came agen to the Convocation, and partly by Threats, and partly by fair Words, endeavour to persuade 'em; but neither they nor the Archbishop could prevail. Feb. 17. they gave their final Answer, which was a Denial, *per præfatum Mag. Lyndewode.* And so the Convocation was dissolv'd.

An. 1425. Apr. 23. (a) a Convoc. at S. Pauls, partly for a Subsidy, and partly for Church Business, both which things, as also the Praying for the Welfare of the K. and Kingdom, were recommended to 'em, by the Privy Counsellors which were sent from the K. *Quibus sic gestis post aliqualem communicationem habitam inter Prælatos in Domo Cap. ac Clerum in Domo inferiore de & super præmissis, Clerus reversus est in Domum Cap. qui per Prolocutorem suum Mag. Lyndewode dictis Prælati, monstravit se ad duos Articulos prædic. cum omni promptitudine & obed. paratum.* But as for the Subsidy they desir'd to be excus'd. For many Days after they sat and consulted together with the Prelats till Jul. 16. at what time being agen to consider the Business of a Subsidy, they retired agen into the Lower-House. Which at last they granted, *per ven. virum Mag. W. Lyndewode — organum*

(a) f. 40.

Cleri & Prolocutorem— in quadam cedulâ quam præfatus Mag. W. Lyndewode in manibus suis tenuit. The lower Clergy at that time were so far from being a distinct House, strictly speaking, from the Upper, that Dr. Lyndwood, their Prolocutor, by a Commission from the Archbishop then absent in Parl. adjourn'd the whole Convocation. Jul. 3. *continuata fuit Convocatio per Mag. W. Lyndewode. auctoritate Domini in Parl. occupati.* The Prolocutors in those Times, were only such as were occasionally appointed by the Clergy to speak in the Name of the whole Body. Several Persons in this Convocation were Tried for *Herésie*. A List of poor Monasteries and Nunneries, as also of poor Livings, which were excused from paying any thing towards the Subsidy, may be seen fol. 44, 45.

An. 1426. Apr. 15. (a) a Convoc. at S. Pauls against the Lollards. The Archbishop having declar'd the cause of their being call'd, *ASSIGNAVIT Procuratoribus Cleri ut post prandium in Domum infer. eisdem consuetam se colligerent &c.* The next Day coming all together into the Chapter-House, upon the Archbishop's asking 'em what they had resolv'd on, being not yet come to any Resolution, they withdrew agen into the lower House, and after a long Debate, gave in their Answer by Dr. Lyndewood. After this, they Consulted always together with the Prelats in the upper House. Apr. 20 *communicatum fuit inter Prælatos, ac etiam Clerum se ad unam partem Domus ejusdem Capitularis retrahentem*, what should be done to certain Persons who had harboured a Heretick. A Subsidy granted to the K. and another for the defence of the Church's Liberties.

An. 1428. Jul. 5. (b) a Convoc. at S. Pauls against the Lollards. Jul. 10. *Domino in Concilio Regis apud*

Westm. occupato — Mag. Th. Bronus ejusdem Cancellarius de voluntate & Mandato ejusdem ad Domum Cap. S. Pauli accessit, & Ven. Patri Roffensi Episcopo ejusdem Reverendissimi Partis pro tunc locum-tenenti, presentibus tunc ibidem Prælati & Clero intimavit, quod voluntas Domini erat quod Prælati pro parte suâ & Clerus pro parte suâ eligerent certas personas, quas idem Mag. Th. Bronus de voluntate Domini nominavit, quæ inter se communicarent & deliberate viderent quo modo & quâ viâ esset melius & expeditius procedendum contra Hæreticos. Et incontinenti Procuratores Cleri adierunt Domum infer. Ubi de unanimi consensu, ne per nominationem supradictam viderentur perdere libertatem eligendi, quâ ab antiquo gavisi fuerunt, elegerunt certas personas pro parte suâ — Et medio tempore Prælati pro parte suâ elegerunt alias personas. Jul. 12 the Prelats chose 3, and the Clergy 3, to examine the Accounts of those that had been entrusted with the Money given for their Expences who had been sent to the Gen. Councils. Jul. 13. they consulted all together. Jul. 15. a Form of proceeding against Hereticks and of Abjuration was agreed upon. Several Lollards Abjured. A Subsidy desir'd for the K. and another against the Hereticks of Bohemia. The Convocation is Adjourn'd to Nov. 12. *habitâ communicatione de Prorogatione Convocationis Dominus mandavit verbotenus omnibus Confratribus suis ibidem existentibus & absentium Confratrum suorum Procuratoribus ut per Civitates & Dioceses suas omnes & singulos qui in Convocatione comparere deberent peremptorie monerent, & eis intimarent quod nisi die Prorogationis — personaliter compareant coram ipso, contra eos procedere vellet propter eorum contumaciam in formâ juris — Quibus sic gestis Dominus de consensu Confratrum suorum prædictorum & ad requisitionem Cleri Convocationem suam — prorogavit & publice continuavit.*

In their 2d Meeting an Ordinance was made against the *Lollards*. The Abbots and Priors of the upper House desire leave to Consult by themselves about permitting the Bishops to send *Hereticks* to their Prisons, which had been demanded of 'em, which the Archbishop *ex consensu Fratrum suorum*, permitted 'em to do. The Clergy are mention'd to have retired *DE MANDATO Domini in solitam Domum infer*. But they sate for the most part together with the Prelats. Several *Lollards* are compell'd to Abjure. At the Trial of some of 'em there were present not only the Members of Convocation, but also other (a) Doctors of Divinity, &c. call'd in by the Archbishop; and these are mention'd as Members of the Council as well as the rest.—*Prælatiſq; Religioſis ac nonnullis sacræ Theologiæ tam de 4. Ordinibus mendicantium, quam alijs, & utriusq; Juris Doctoribus, Decanis, Archidiconis & Cleri Procuratoribus in præfatâ Domo Cap. inſimul congregatis & concilium celebrantibus*. The Chancellor (b) of the University of Cambridge is mention'd as making a Speech in the Convocation. And in some of the former Convocations, the Chancellors of both Universities are mention'd as present. But they are never summon'd in the Provincial Mandate. A Subsidy granted to the K.

Another Prorogation (c) to S. Lukes Day, 1429. where they treated chiefly of a Subsidy for the Pope against the *Bohemian Wicleffites*. Another Subsidy granted to the K.

An. 1430. Feb. 19. (d) a Convoc. at S. Pauls, about Proxies to be sent to the Council of Pisa——*Clero de inferiori loco ad eos vocato, habitaq; ibidem communicatione aliquali pro remedio impetrando in Parl. tunc eodem tempore apud Westm. tento contra indicta-*

(a) f. 73. a. b. (b) f. 71. b. (c) f. 27. b. (d) f. 81.

menta Presbyterorum. A Lollard Tried. A Subsidy granted. A Constitution made for the abolishing a certain deceitful *Weight*, forbidding any to use it under the pain of Excommunication.

An. 1432. Sept. 15. (a) another of S. Pauls, about the Council of *Basil*. By this time Dr. *Lyndwood* was made Keeper of the *Privy-Seal*, and he is mention'd amongst those who were sent to this Convocation to demand a Subsidy, which was granted. A Constitution made, that no one should exercise any Ecclesiastical Jurisdiction, that had not taken some Degree.

Another (b) An 1433. Novemb. 7. at the same place: and about the same Council of *Basil*. The King's Writ for a Subsidy recited in the Mandate. — Nov. 14. *Præsidens* — *fecit ad se vocari Clerum* — *quo comparente* — *interrogavit ven. virum Mag. Th. Bekyngton Prolocutorem Cleri, si Clerus communicasset & conclusisset super istis punctis, &c.* Dr. Peter Beverley read a Lecture in the Lower House concerning the Council of *Basil* and the Pope's Power, *De licentiâ dicti Reverendissimi Patris & Confratrum suorum Mag. Pet. Beverley Professor Theologiæ fecit quendam actum solemnem, determinando in inferiori Domo Capitulari sensum ejus conceptum, &c.* — *qui Clerus comparuit per Mag. Th. Bekyngton Prolocutorem, ex dictis motivis in hac plenarie consensit Conclusiones, &c.* — Decemb. 5. *Præsidens fecit Clerum evocari ad videndum quid facere proponerent.*

Another (c) An. 1434. Octob. 7. about Ecclel. Jurisdiction and the King's Writs. — By reason of the Pestilence then raging at Lond. *desideravit Clerus ut Dominus vel Convocationem suam dissolveret, prorogaretve, seu ad alium locum transferret, asserendo per suum Prolocutorem, viz. Mag. Th. Bekyngton, &c.*

(a) f. 87. b. (b) f. 93. (c) f. 99.

A Constitution was there made in defence of Eccl. Jurisdiction, and another for the observation of the Festival of S. Frideswide, *almæ Universitatis Oxon. specialis Advocatæ*. Another concerning Articles *de sententiâ generali (Excommunicationis)* to be read in Churches.

Another (a) *An. 1437. Apr. 29.* for a Subsidy. In this Convocation, as appears from the Acts, the Clergy never divided from the Prelats, but they sat altogether. *Prælati & Clerus in dictâ Domo Cap. congregati concesserunt, &c.*

Another *An. 1438. Apr. 28.* about sending Proxies to the Council of *Ferrara*. The Clergy, who treated separately from the Prelats, *per Mag. Thomam Prolocutorem suum* desired to be excus'd from granting any thing for their Expences, alledging that it belong'd to the Bishops and Prelats only to contribute towards such Charges. The Abbots and Priors, and the Proxies of Religious Houses Grant for themselves, *protestando & supplicando Dominis Episcopis quod hujusmodi eorum concessio eâ vice divisa quasi & absq; communi consensu Cleri facta non cederet in exemplum*. This done, the Regulars with the Archbishop's leave went home, and left Proxies in their stead: *licentiâ datâ dictis Religiosis recedendi, constitutis per eos certis Procuratoribus prout de facto constituerunt ad interessendum consensuendum & faciendum in ipsâ Convocatione quæ ipsi facerent si personaliter interessent*. May 14. the Archbishop *ex consensu Confratrum suorum* adjourned the Convocation to *Octob. 6.*

On the 6th of *Octob.* they met again partly about the same business, and partly about the promotion of the *Graduats* of the 2 Universities.
 ——— *ex MANDATO DOMINI Clero in domum*

(a) f. 101.

infer. se colligente. On another Day, *præcepit omnibus de Clero quatinus in Domo infer. insimul convenirent, &c.* They again excused themselves from granting any thing per *Mag. Joh. Lyndefeld suum Prolocutorem.* — *Supplicarunt insuper ut vel Convocationem ipsam dissolveret usq; vel ad tempus prorogaret, seu ad alium locum transferret.* The Chancellor of Oxford presents to the Convocation 2 Letters on the behalf of the Universities, one from the K. the other from the University it self. Another is sent from the University of Cambridge. The Chancellor of Oxford was order'd to draw up Articles and to present 'em to the Convocation, for the Reformation of the Statutes of the University about taking Degrees. And accordingly a Constitution was made.

An. 1439. (a) Novemb. 21. in obedience to the King's Writ which is recited in the Mandate. The Archbishop being now very old and weak, had delegated some of the Bishops to supply his place; however he came himself, and proposed 3 things to be consider'd; a Subsidy; the hindrance of Eccl. Jurisdiction by the King's Writs, especially that of *Præmunire*; and the Clergies being so often vext with false Indictments. The King sends to 'em for a Subsidy, and to have it consider'd how a Union might be made between the Council of *Basil* and the Pope. The *Prolocutor* in this Convocation was *Rich. Andrew.* A Constitution was here made for the Augmentation of small *Vicarages.* This was the last Convocation of Archbishop *Chicheley.* It was held in his 26 Year.

In the 2d Vol. of our Councils, and at the end of *Lyndwood* there are divers of Archbishop *Chicheley's* Constitutions publish'd. And others not yet

publish'd are extant in a *M.S.* Vol. of *Lambeth Library*, 8^o. 17.

Before I proceed any farther, I shall here take notice of what *Lyndwood*, who has been often mention'd as flourishing at this time, says of the Inferior Clergies being call'd to Synods. In his Gloss upon one of Archbishop *Arundell's* Constitutions, (a) where there is mention made of the *Bishops, Prelats and Clergies* being present in Convocation: *PRÆSENTIUM*, says he, *non dicit VOCATORUM, quia ad Provinciale Concilium non sunt alij vocandi de necessitate, nisi Episcopi. Si tamen alij veniant, admittendi sunt; imo vocandi sunt, quando de eorum factis agitur; vel quia eorum consilium est necessarium.* In the Rights of Convocations (b) there is a double Mistake concerning this Gloss.

1. The Author makes *Lyndwood* contradict himself, when he adds; *vel quia eorum consilium est necessarium.* But by that he means no more than this; or in such particular Cases where their Counsel is necessary.
2. He imputes this as a great Fault to *Lyndwood*, and would have it believ'd that he design'd by that Gloss to flatter the Bishops. But he says no more than what the Canonists usually said before him, and particularly another of our own, viz. *John of Athon* (or *Acton*) who in his Gloss upon the Preface of *Otho's* Constitutions, (where it is said, *astantis Concilij Suffragio & consensu*) has these Words: *Patet hic quod Concilia Prælatorum in hujusmodi Constitutionum editione debent requiri. Valent tamen Statuta sua, etiam eis irrequisitis, de his quæ pertinent ad Jurisdictionem suam. Unde patet quod ad Consilium hujusmodi Provinciale, ubi statuenda sunt aliqua, quæ tangunt statum Provinciæ, Episcopi sunt citandi: Et cæteri subditi INVITANDI, non COGENDI.* I mention not this as if I thought that their Judgments,

(a) p. 300. (b) p. II.

or the Judgments of those *Canonists* whom they quote, can at all affect our Synods at this time. Whatever it might be in those Days, and especially in the Days of *John of Athon*, whom *Lyndwood* follows, our Synods depend not upon any of the Pope's *Canons*, or upon the Judgments of *Canonists*, but upon the Custom of our Church, which cannot be violated. The observation which *Lyndwood* makes upon *præsentium* and *vocatorum*, is certainly wrong, for its evident that those that are said to be *præsentes*, were also *vocati*, i. e. *summon'd* to Archbishop *Arundel's* Convocation.

The Reader will not be displeas'd if I tell him here concerning that famous Commentator of our Provincial Constitutions, that in his Will which is extant in Archbishop *Stafford's* (a) Register, Dat. Nov. 22. 1443. and Prov'd. Oct. 14. 1446. he gives order that the original Copy of his *Gloss* should be safely kept and chain'd in S. Stephen's Chappel, that recourse may be had to it. *Item volo quod liber meus quem compilavi super Constitutiones Provinciales reponatur in cathenis & inferratus sit, ut salvo & secure custodiatur in superiori parte Capellæ S. Stephani (Westm.) vel alias in Vestuario ejusdem Capellæ, ut quotiens opus fuerit pro veritate Scripturæ primariæ ejusdem pro correctione aliorum librorum ab eodem tractatu copiandorum recurri poterit dum sit opus. Item volo quod copia ejusdem libri quem ut præfertur compilavi, & pro majori parte scripsit Th. Hethman remaneat penes eundem Thomam jure proprio, ut ex copia ejusdem locanda possit aliquid lucrari in recompensam laboris sui.* He died Bishop of S. Davids. We are told by *Pryn* (b) that he collected the Provincial Constitutions in the Year 1423. at Bois S Vincents in France. But *Pryn* mistakes his meaning. He only says in his Preface that

(a) fol. 143. (b) Pref. Eccl. Jurisd.

he came from his *Portugal* Embassy the same Year, 1422, that his Master K. Henry V. died at *Bois S. Vincent*, and so re-assumed his Office of Official under the Archbishop of Cant. and the next Year set about his *Gloß*.

An. 1444. Octob. 19. a Convocation at *S. Pauls* under Archbishop *Stafford*, the Acts of which are extant in (a) *Arundel's* Register. The Writ recited in the Mandate. The Convocation then sitting the Archbishop received a Command from the K. (in *English*) seal'd with the Privy Seal, to have Prayers offer'd up, and Processions made by the Clergy for the Common weal. There were divers Constitutions made, one particularly for the observing the Festival of *S. Edward's Translation*. The Archbishop's Official is mention'd as *totius Cleri Prolocutor*. One Subsidy being granted, the Keeper of the King's Privy Seal went into the *Lower House of the Chapter* to beg another. The Archbishop being oblig'd as Lord Chancellor to be absent, had delegated 3 of the Bishops to supply his place: the Clergy send to the *Lords and Prelats of the Upper-House* to know from them *an ulterius procederent super desideratis & petitis*. They answered that the Clergy had given a *Tenth*, on condition that the Archbishop would dissolve the Convocation, & *data est nobis, ut asserabant, ad tunc ab eodem Domino Archiepiscopo potestas eandem dissolvendi, sed NON TRACTANDI super materijs coram Clero propositis*. The Constitution about the observation of the Festival of *S. Edward's Translation*, is extant at the end of *Lyndwood*, Dat. Octob. 1. 1445. at *Croyden*, and directed to the Bishop of *Ely*. In Convocatione ultimâ nostra ex unanimi Ven. Confratrum nostrorum ac Cleri Consilio & Assensu, &c.

(a) Vol. 2. f. 28. &c.

An. 1452. Feb. 7. a Convocation at St. Paul's under Archbishop Kemp (a). The Archbishop and his Attendants coming to St. Paul's, paid their Devotions in the Porch at the Tomb of St. Arkenwald. After the Sermon he granted an Indulgence of 100 Days to all that were present; and every Bishop that was there, granted 'em an Indulgence of 40 Days. In this Convocation the Prolocutor was chosen in a formal manner, as at this Day, and presented to the Archbishop. Feb. 9. Idem Rev. Pater omnes & singulos & Cath. Ecclesiarum Decanos, Archidiaconos, cæterosq; de Clero suæ Cant. Prov. ibidem ad tunc præsentés ac interesse in hujusmodi Consilio seu Convocatione suâ habentes admonuit ut ad locum eis ab olim in hujusmodi actibus solitum & consuetum viz. locum inferiorem subtus dictam Domum Capit. ad electionem sive nominationem futuri Prolocutoris Cleri rite processuri unanimiter insimul delinarent. While they were Electing their Prolocutor, He consulted with the Bishops about Church Affairs; and after some Debate, admonuit & injunxit that every one of 'em the next Day should bring his Thoughts in Writing. The Clergy chose J. Stokys and per Mag. Th. Lisleux Decanum Ecclesiæ Cath. S. Pauli viræ vocis oraculum intima-vit & declaravit eundem insuper ven. egregiumq; virum in Prolocutorem Cleri ut præmittitur electum præfato Rev. Patri præfatisq; venerandis Patribus præsentando. Quiquidem Electus Onus hujusmodi in se assumere quoad potuit tanto Oneri se imparem ostendendo recusare pro viribus satagebat, usq; adeo quod Rev. Pater sibi in virtute obedi-entiae prædictum Onus ut assumeret injunxit. Quo au-dito, dictus Electus illud jure Cautum in animo revolvens, quod scil. Species Idololatriæ censetur Majorum præceptis nolle acquiescere, onus hujusmodi in se nolens volens assumpsit.

(a) Reg. Kemp. f. 219.

A Subsidy being demanded, the Clergy and Prelats consulted about it together in the Chapter-House. It was granted, but with a Roll of Grievances drawn up by the Clergy. Febr. 26. the Convocation sate altogether in the Palace of Lambeth, in *quadam alta Camera majori*; where some Business was done relating to the Pope. March 3. they met agen at Lambeth about Offerings due to the Curates of London from their Parishioners. Some of the Chief of the Clergy, as the *Prolocutor*, and others there nam'd, were appointed to concert the Matter with the Lord-Mayor and Aldermen, and some others of the City. The Clergy request the Archbishop and Bishops, that certain things relating to the Church might be represented to the Parliament, *that was a few Days after to meet at Reding*. March 15. they met agen at Lambeth, where they doubled the Subsidy which they had before granted.

An. 1460. May 6. a Convocation at S Pauls under Archbishop Bourchier (a). In the beginning of the Convocation he constituted the Bishops of Lond. and Sarum his Commissaries to supply his place when absent. But afterwards being sick, and those 2 Bishops being absent, he gave another Commission to others. The Archbishop sitting with the Bishops in the Chapter-House, and the Clergy standing about them, a Letter was brought in from the K. which was publickly read: *Idem Rev. Pater decrevit eandem publice legi in Domo infer. ubi Clerus dictæ Convoc. tempore ab antiquo solebat communicationem exercere & habere. Et deinde præcepit Clero Domus infer. quod accederet illuc Prolocutorem suum electurus. Et tunc ibidem communicatione habita per Clerum, dicta Convocatio fuerat per*

(a) Reg. Bourchier f. 12.

Rev. ——— usq; in diem Sabbati continuata. Quo die adveniente — cum Episcopis, Prælatiſ ac Clero de & super certis articulis pro electione Prolocutoris habendâ communicavit. Et tandem demandavit omnibus de infer. Domo quod illuc accederent & Prolocutorem eligerent. — Ad Domum infer. pro electione Prolocutoris futuri habendâ acceſſerunt, & egregium virum Mag. Joh. Stoke. Legum Doctorem Offic. Curie de Arcubus elegerunt, & ipsum, ut mox est coram dicto Rev. — & aliis Conſratribus & Prælatiſ præſentabant, quod Officium super se assumere idem egregius vir refutabat. Tandem ad mandatum dicti Rev. Pat. hujusmodi onus in se ſuſcepit. Before this was done, the ſame John Stoke, with ſome others, had been Commiſſion'd by the Archbiſhop to receive and examine the Procuratoria. May 13. the Prolocutor propos'd ſeveral Articles to the Upper-Houſe viva voce, which the Archbiſhop order'd to be brought him in Writing. Certain Articles were exhibited by ſome of the Biſhops touching Lay-oppreſſions. The Biſhop of Exeter propos'd, that Clergymen ſhould not be inſtituted into Livings by Proxies. Et tunc dictus Rev. Pater cum conſenſu Conſratorum ſuorum decrevit hujusmodi præſentationes & admiſſiones ſecundum diſcretionem Ordinariorum conſiderari, &c. A Law made in Parliament about the Tything of great Trees that were fallen down, was examin'd. A Lollard call'd to an account other Perſons beſides the proper Members admitted into the Convocation: Idem Rev. Pater cum conſenſu ſuorum Conſratorum in dictâ Convocatione præſentium elegit certos viros præeminenter ſcientes, viz. Magiſtros Rob. Styllington Decanum liberæ Capellæ Regiæ S. Martini Magni Lond. Ricardum Caunton & Th. Wynterborne Legum Doctores, ad intereſſendum, pertractandum, & conſiliandum cum eis de & super hujusmodi articulis coram ipſo.) A Clerk of the Convocation, who was alſo Proxy to the Archdeacon of Exeter, having been arreſted and

imprison'd in *London*, the Archbishop, by the consent of all the Clergy, sends to the *Mayor* and *Sheriffs* to let 'em know, that unless they deliver'd him out of Prison, they should be proceeded against per *censuras Eccl. & alia media juris*. And so *auctoritate Convocationis* he was freed. The Petitions of the Clergy to be consider'd by the K. in Parliament are exhibited to the Archbishop.

This Convocation was first call'd in obedience to a Writ issued out by K. *Hen. VI.* for a Subsidy, which is recited in the Archbishop's Citatory Mandate : but it was continued by Adjournments to *July 15. 1461.* when *Edward IV.* was in the Throne. And the Subsidy desired by K. *Henry* was given to K. *Edward*. This appears from the Grant which is extant in the Acts of the Convocation Fol. 16. Dat. Jul. 17. 1461. *Excellentissimo in Chr. Principi ac D. D. Edwardo D. G. &c. Thomas permissione Div. &c. Celsitudini vestræ Regiæ in Cancellariâ vestrâ tenore præsentium intimamus quod nos & Confratres nostri Coepiscopi & Suffraganei ceteriq; Prælati & Clerus nostræ Cant. Prov. in ultimâ Convocatione in Eccl. Cathed. S. Pauli Lond. die Martis, viz. sexto die Mensis Maii An. D. 1460. inchoat. & usq; ad & in 15m. diem Mensis Julii An. D. 1461. de diebus in dies continuata, &c.*

I have mention'd another Instance of the same kind before, of a Convocation call'd by Archbishop *Arundel* in the Reign of K. *Hen. IV.* which was continued till some time after the beginning of *Hen. V.* and till after a Parliament held by Him. How these Instances agree with the necessary Concurrence of *Convocations* and *Parliaments* in those times, I should be glad to be inform'd by those who advance that Notion.

In the Acts of the foremention'd Convocation it may be observ'd, that the Word *Convocation* is frequently us'd for a *Communication* or *Debate*.

Extracts out of the Parliament Rolls of
Hen. VI. relating to Convocations and
Ecclesiastical Constitutions.

IN the Parl. of 3 Hen. 6. the Commons presenting the K. a Petition or Bill against Non-residents, he answer'd :

The King by the advys aforesaid hath delivered the Bille to my Ld. of Cant. charging him to purveie of remedie for his Province and semblably shall write to the Chirche of York for that Province.

Rot. Parl. 8 H. 6. Item, in præsentī Parl. diversæ Petitiones exhibitæ fuerunt Domino nostro Regi tam per Prælatos & CLERUM quam per Communitatem Regni sui Angliæ, quarum tenores una cum responsionibus earundem sequuntur in hæc verba.

Item, quia Prælati & Clerus antedicti ad Convocationem convocati, eorumq; servientes & familiares qui cum eisdem ad Convocationem hujusmodi veniunt, sæpius ac frequenter arestantur, molestantur, & inquietantur, petunt Prælati & Clerus antedicti, quod vocandi in futurum ad Convocationem prætextu Brevis Regii, eorumq; servientes & familiares, eadem libertate sive immunitate veniendo expectando, & redeundo plene gaudeant & tueantur perpetuis futuris temporibus, quâ gaudent & gaudere consueverunt sive gaudere debent in futurum Proceres sive Magnates, & Communitas Regni Angliæ ad Parliament. Dni. Regis vocati & vocandi.

Fiat prout petitur per petitionem.

In the Parliament held Feb. 12. 27 H. VI. the Commons amongst other things proposed by way of Bill or Petition, that the Clergy having been much vext with Prosecutions for taking illegal Salaries, should have the King's Pardon given 'em, and for that should be taxed 6s. 8d. apiece by Au-

tority of Parliament: That Imposition of the Subsidy was look'd upon to be illegal, and the K. rejected that part of the Bill, referring the whole Matter to Convocation. In the Roll of that Parliament the Bill and Answer are inroll'd in these Words:

Also praien the Comunes for as mucche as in diuerse parties of this Royallme many Prests as well seculer as Religious bene greuously vexed and troubled fully wronguesly by diuerse enditements of felony to their full grete hurte ayeynst faith and contiens for singuler lucre of other persones and not for your auaille; that it please your Highnesse of your influent grace by the auctority of this your Parlement to pardon and acquite al and every Prest as well religiouse as seculer of al maner of felonies of Rape, done byfore the first day of June next cominge. And also to pardon and relese by auctoritie of the same Parlement to al and everyche Prest seculer, stipendarie, anuell, al that longeth or apperteineth to youe by weie of forfaiture of everyche of them byfore the first day of June because of taking excessions salarie contrary to the Statutes theruppon made, and that everyche of them may haue Charters of Pardon without any Fyne or fee hereupon, sufficiantiz for theire dischardge, for the whiche we your trewe Liegemen to the helpe and relief of youre necessitie by the assent of the Lords Spirituell and Temporell of this youre Realme graunten to you oure Sovereigne Lord a Subsidie to be take rerud of all maner Prests, Seculers, Stipendaries, and Chanterie Prests within youre Realme that is to say of everye Prest VI^s. VIII^d. to be payed to you at the Fest of Seint Martyn in Winter next coming.

The King's Answer.

At the Reverence of God, and for the love and tendernesse that the King hath to the Chirche and to the Ministers of the same he woll that this Bille as to the Imposicion that shuld be to the seculer Prests of this Roialme not beneficed as Stipendaries and Chaunterie Prests be committed to the Archiebishoppes, and Bishoppes in the Convocations of
the

the Clergies of this Roialme, because it touchith the Immunitie and Liberte of the Chirche, whiche the K. intendith to kepe withoute hurt or prejudice in all wyse. And as touchinge the Pardon conteyned in this Bille, in cas the Nobles of the said Preefts be graunted to him in the seid Convocations, then the Kyng woll that the seide Pardon stonde in his vertu and strenght without Fyne or Fee payyng therefore by auctorite of this present Parlement.

Convocations in the Reign of Ed. IV. under Archbishop Bourchier.

AN. 1463. Jul. 6. (a) a Convocation was held at S. Paul's. A Subsidy granted. 2 Constitutions made, one against Arresting in Churches, the other concerning the Habits of Clergymen. A Charter granted the Clergy by the K. The Prolocutor the same with the former; the Name of him that presented him to the Archbishop is mention'd. A Person tried for celebrating Masse, who was only an Acolite; he is said *per longum tempus celebrasse idololatriam committendo*.

Bourchier's Register, which now remains, is doubtless but a part of the whole. From 1463. we have no Convocation mention'd till 1480 March 21. In the Mandatory Letters the King's Writ is recited. Two Persons are mention'd to have presented the Prolocutor, Wil. Pykenham Archdeacon of Suffolk to the Archbishop, who admitted him *de consensu Suffraganeorum suorum*. A Subsidy granted to the K. The Festivals of S. Osmund, S. Frideswide, and S. Etheldreda were settled: As also that of the Visitation of the V. Mary. A Subsidy desired by the Pope, being not agreed upon, it was decreed, that the Archbishop and 6 Bishops, 6 Abbots, 6 o-

(a) F. 18.

ther Prelats, 3 Deans, 6 Archdeacons, and 6 Proctors of the Clergy, such as the Archbishop should nominate, should meet on a certain Day before *Whitsunday* in *S. Paul's Church*, and agree upon it.

The Constitutions of this Archbishop may be seen in the Collections of our Councils.

An. 1466. *George Nevil* Archbishop of *York* published certain *Provincial Constitutions*, which are there also extant.

Convocations in the Reign of Hen. VII. under Archbishop Morton.

AN. 1486. *Febr. 12.* (a) a Convocation was held at *S. Paul's* under Archbishop *Morton*. The King's Writ recited in the Mandate. *Tho. Cooke* Dr. of Laws was chosen *Prolocutor*, and presented by the Dean of *S. Paul's*. He was one of those whom the Archbishop had employ'd before to receive and examine the *Procuratoria*. *Wil. Symonds* who got one *Lambert Symnel* to personate the Earl of *Warwick*, was examined before the whole Convocation, and the *Major*, *Aldermen*, and *Sheriffs* of *London* were there present. A Subsidy was granted, and amongst other things relating to the Church, a Constitution was made for *Masses* to be said by all the Bishops for the Soul of any Bishop of the Province that should dye.

(a) *Reg. Morton. fol. 33.*

Another (a) *An. 1488. Jan. 14. at S. Paul's, which lasted till Octob. 20. The King's Writ recited in the Letter Mandatory. Jan. 17. The Archbishop being with the Bishops, Abbots, and Priors in the Chapter-House, injunxit Ecclesiarum Cath. Decanis, Archidiaconis, & Proc. Cleri, quod irent ad Domum infer. viz. ad Capellam infra eandem Ecclesiam situatam, vulgariter nuncupatam The long Chapell, & quod eligerent unum ex eis & pro eis ac pro Clero Prov. Cant. in Prolocutorem & Referendarium. Humfrey Hawarden L. D. was pitcht upon. He being admitted, humiliter petiit ut sancta Mater Ecclesia ac etiam Clerus ad dictam Convocationem congregatus suis juribus, immunitatibus, & privilegiis hactenus sibi indultis gaudere possint. Quâ petitione finitâ & ab eodem Rev. Patre quantum in ipso erat concessa, &c. The Lords are sent from the K. to desire a Subsidy : And afterwards they come agen to quicken 'em. Which was granted Febr. 27. D. Prolocutor nomine totius Cleri ut asseruit, concessit, &c. Quibus concessionibus — postquam Suffraganei sui ac cæteri Prælati assensum præbuisent, præfatus Rev. in Chr. Pater — consensum suum adhibuit.*

This is the last Convocation that is extant in the Archbishop's Registers; and the last of all those whose Acts I have ever seen entire, except that of 1640. which is published in *Nalson's Collections*, and is extant also in Latin. Archbishop *Morton* died *an. 1500.* After his time the Acts of Convocations were recorded not in the great Registers, but in distinct Volumes : All which, (besides that of 1640) perish'd in the Fire of 1666.

In a MS. Vol. in the Cotton Library, *Cleop. F. 2.* I have met with a List of Convocations from 1296. to 1580. taken out of the Registers, not always ac-

(a) F. 41.

cording to the order of time : It takes up but a little room, and therefore I shall here subjoin the whole.

Winchelse 5. Cal. Dec. an. 1296	24 Novemb. an. 1404 præd.
6 Non. Maii an. 1297	10 Maii 1406
17 Cal. Aug. an 1297 prædict.	23 Julii 1408
Idus Octob. an. 1297 præd.	26 Januarii 1400
In Crast. Fest. Nativit. S. Johan. Bapt. an. 1298	24 Januarii 1408
Prox. post Festum S. Ed- mundi R an. 1309	17 Feb. 1409
Islip 16 Maii an. 1356	1 Decemb. 1411
Wittlesey 21 Januarii an. 1369	Stafford 19 Octob 1444
24 Apr. an. 1371	Chicheley 18 Novemb. 1415
Sudbury 3 Non. Feb. an. 1376	1 Apr. 1416
Courteney 18 die Novemb. an. 1382	9 Novemb. 1416
26 Feb. 1387	26 Novemb. 1417
12 Octob. an. 1388	Penultimo die Octob. 1419
17 Apr. 1391	5 Maii 1421
2 Dec. an. 1383	6 Julii 1422
20 Maii 1384	12 Octob. 1424
1 Dec. 1384	25 Apr. 1425
6 Novemb. 1385	15 Apr. 1426
5 Novemb. 1386	5 Julii 1428
Arundell 19. Feb, 1396	19 Febr. 1430
6 Octob. 1399	15 Septemb. 1432
1 Octob. 1402	7 Novemb. 1433
21 Apr. 1404	7 Octob. 1434
	Penult. die Apr. 1437
	28 Apr. 1438
	21 Nov. 1439
	Kempe 7 Febr. 1452
	Bourchier 6 Maii 1460
	6 Julii 1463
	21 Martii 1480

Morton 13 Febr. 1486	an. D. juxta 1558.
14 Januarii 1488	Parker 12 Januarii an. D.
Warham 26 Januarii	juxta, &c. 1562
1509	3 Apr. 1571
5 Novemb. 1529	9 Maii 1572
Cranmer 20 Januarii	Tempore vacat. Alia Convo-
1532	catio celebrata ex continu-
9 Junii 1536	atione, sede Archiepiscopali
20 Januarii 1541	tunc vacante an. 1575
24 Novemb. 1545	Grindal. Alia Convoca-
Pole 21 Januarii 1557	tio &c. ex continuatione
Tempore vacationis Convo-	celebrata per D. Edm.
catio Sedis Archiepiscopa-	Grindall Cant. Archiep.
lis Cant. 24 die Januarii	17 Januarii 1580

ADDENDA.

PAGE 12. l. 15. *Convocation.* In this I was misled by the *Rights of Convocations.* The Custom is so in the Diocese of *London.* In that of *Sarum* the 3 Archdeaonries choose 2 apiece, and the 6 thus chosen, choose 2 out of their own number. The same Method is observ'd in the Diocese of *Coventry* and *Lichfield* where there are 4 Archdeaonries. In that of *B. and Wells* all the Clergy meet together and elect jointly. In that of *Lincoln* the Clergy of the 6 Archdeaonries send their particular Commissions to, or appear in Person at *Stamford*, where 2 are chosen by the whole Body. In that of *Norwich*, the 2 Archdeaonries of *Norwich* and *Norfolk* meet together at *Norwich* and elect one, and the 2 Arch-

Archdeaonries of *Suffolk* and *Sudbury* meet together in *Suffolk* and elect the other. So it is in the Diocese of *Chichester*, where the 2 Archdeaonries meet separately and elect one apiece.

P. 19. K. *Ethelbert's* Laws are extant in *Saxon* in the *Codex Roffensis*. Among Sir *H. Spelman's* Papers there is a Latin Translation of 'em made by the famous Dutch Man *J. de Laet*, with Notes, and sent by him to Sir *Henry an.* 1640. The Title is: *Hæc sunt Judicia quæ Ethelbertus Rex constituit Augustini diebus.*

In the same *Codex* there are the Laws (in *Saxon*) of 2 other Kings of *Kent*, *Hlotharius* and *Eadricus*; translated also by *J. de Laet* with this Title: *Hæc sunt Judiciorum Decreta quæ Hlotharius & Eadricus Cantuariorum Reges statuerunt.* They begin: *Hlotharius & Eadricus Cantuariorum Reges statuerunt Leges has quas ipsorum Seniores ante statuerant eorum judiciorum quæ post hæc edicuntur.*

P. 21. l. 32. *Streaneshalch*, add (now *Whitby*)

P. 24. l. 27. *Cliff*, add, according to Sir *H. Spelman*, who understands the Place of that Name in *Kent*. Others think it to be a Place now unknown, somewhere about the middle of the Kingdom. Some take it to be *Abington* in *Barkshire*. See *Sommer Lex Sax.*

P. 29. l. ult. Add, of other Decrees of Archbishop *Theodore* now not extant See *Rudborne* p. 193.

Of divers of those ancient Synods, see *Ger vase*, and the X *Scriptores*, of that of *Twiford* Col. 1639. of *Cuthbert's* Synods Col. 1641. the Syn. of *Chalchuth* or *Chealchite* Col. 1641. 2018. *Clovesho* 1642. 2209. 2213. of *Plegmund's* Councils 1644. of *Dunstan's* 1647. of the Syn. of *Beccanceld* 2211. 2208. *Phincanhal* 1697. *Kingston* 2217.

P. 34. Of a Place call'd *Parlement Hill*, See *Spelman Gloss* p. 449.

Ibid.

Ibid. l. 20. *the Oak in the Field* : Add: or rather, *the Field of the Oak*. For so upon second thoughts, I take the Author's meaning to be (ad an. 851. not 951. as by mistake it is printed.)

Of Charters, some of which at least I have not mention'd, See x. *Script.* Col. 2219. an. 790, 939. col. 2220. an. 927, 940. col. 2221. an. 941. col. 2207. an. 680. col. 2211. an. 747. col. 2212. an. 799. Others may be seen in *M. Paris Addit.* p. 1151. ad 1536. belonging to the Years 716, 743, 795, 796, 996.

P. 84. In K. Edgar's Charter to the Abby of *Westminster*. Dat an 969. which is extant in a MS. *Char-tulary* of that Church (*Cotton. Faustina A.3.*) it is said (*Westmonasterio*) *ipse de meis in Dominicatis terris aliquanta addidi, & cartis, atq; legitimis testibus corroboravi. Deinde succedente tempore consilio habito intra Basilicam ipsam præsidente me cum filio meo Edwardo & eodem Archiepiscopo venerabili Dunstano & universis Episcopis & Baronibus meis secutus exemplum majorum meorum renovavi, addidi, & corroboravi cartas & privilegia ejusdem loci & ad Apostolicam sedem legenda & confirmanda transmissi.* There follows Pope John's Confirmation, by which an Exemption is granted, and he says, that it had been granted before *ab antiquis Angliæ Regibus cum consilio Pontificum ejusdem Patriæ.* The K. grants the same.———Subscribed by the K. his Sons *Edward* and *Athelred*, the 2 Archbishops, 12 Bishops, whereof the last writes thus : *Ego Sigarus Allmanensis Ecclesiæ Episcopus configillavi, atq; cum præscriptis Archiepiscopis & Episcopis, Luminaribus accensis violatores hujus munificentie dignitatis, immo Apostolici transgressores hujus decreti imperpetuum excommunicavi nisi particulatim pœnitentiam resipiscendo peragant.* Then follow 11 Abbots, of whom the last says : *Ego Aldred Abbas consensi & Rege suisq; præcipientibus hanc libertatis syngrapham scripsi An. Dom Incarn. 969. Indiction. 12*
Idus

Idus Maii anno 12. regni Regis Edgari. Then follow 9 Presbyters; of whom the last says: *Ego Oswardus Presbyter cum supradictis & cum aliis 107. Presbyteris infractores hujus firmitatis excommunicavi.* Then 9 Dukes. After them, it concludes with these Words: *At ultimum itaq; una cum Rege & Filiis ejus nos omnes Confratres & Coepiscopi & cum totâ hac populosâ & sanctâ Synodo: ejusdem loci omnes futuros Abbates, Decanos, atq; Præpositos contestamur, verum etiam in nomine Patris & Filii & Spiritûs Sancti prohibemus quatinus sacros illius Ecclesiæ thesauros non distrabant neq; terras seu redditus vel beneficia in suis vel parentum suorum usibus stolide expendant, neq; à servis Dei quæ pro illis ibidem habetur substantiam subtrahendo minuant. Quod si aliquis præsumpserit, illum sicut violatorem atq; transgressorem hujus nostri decreti immo Apostolici, ante summum judicem cum venerit seculum judicare per ignem responsurum super hac re invitamus.* The Charter is evidently spurious. The next Charter is *Dunstan's*, then Bishop of London, to the same Abby an. 959. by which he exempts it from the Bishop of London's Jurisdiction, *cum consensu fratrum meorum.* Sign'd by the K. (Edgar) the Archbishop of York, and 5 Bishops. Spurious too, I suppose.

In the same MS. Chartulary there are 3 Charters granted by the Confessor to that Church. In one of which he says he granted it *fidelium nostrorum atq; Palatinorum usi Consilio.* Dat. 1045. Kal. Aug. Regni 5. Indict. 12. Signed by the K. the Q. Mother, the Q. Consort, the 2 Archbishops, 8 Bishops, 4 Abbots, 3 Earls, 5 Ministri, the Chancellor.

Of the new Custom of Sealing Charters, and that the Confessor had a Seal. See *M. Paris*, p. 1027.

P. 140. l. 11. after *indumenta* add: Divers Instances of this kind are to be met with in *M. Paris* in the Reign of Hen. III. Where *ad. an. 1251.* it is ob-

observed, that at Christmas that Year, *licet omnes prædecessores sui indumenta Regalia & jocalia pretiosa, consuevisent ab antiquo distribuere, ipse tamen Rex (de sua forte peregrinatione sollicitus & parcus) nulla penitus Militibus distribuit vel Familiaribus.*

P. 266. after l. 18. add; In the Charter (a) of Dowry granted by K. John to Isabel his Queen, the 5th Year of his Reign, she is said to be Crown'd Queen of England *de communi assensu & concordia voluntate Archiepiscoporum, Episcoporum, Comitum Baronum, Cleri & Populi totius Regni.* And the K. mentions his encreasing her Dowry *de Concilio fidelium nostrorum.*

Of the Parliaments of 1, 3, 8, 9, 10, 11, 15, 17, 18 Hen. III. See Pryn. Eccl. Jurisd. p. 38, 41, 48, 58, 68, 70, 71, 74, 81, 84, 85. I find these References in my Collections, but I have neither time nor room to examine 'em; only I remember that there's nothing very material. In the Close Roll of 19 H. III. m. 20. there is a Writ, in which are these Words: *Sciatis quod congregatis ap. Westm. in Octabis S. Hillarii ven. Patribus J. Cant. Archiepiscopis, Episcopis, Comitibus & aliis fidelibus nostris.*

P. ult. I am assured by the present Lord Bishop of Peterborough, who was one of those two, who in the Year 1676. were chosen for Peterborough by vertue of the *Præmunientes*, that the Proceeding was nothing but a Mistake, and that neither He, nor any other thought on any thing beside, the Convocation. So I question not but some other Instances, which have been produced, were meer Mistakes; the Parliamentary Writ being executed instead of the Archbishop's Convocation Mandate.

(a) Rot. Cart. 5. Joh. E. 5. M. 33. See Petit App.

P A R T III.

PAge 128. after Custom add. But here it is to be noted, that I have quoted the Constitutions of *Reding* according the Edition which is extant at the end of *Lyndwood*. In that which is in the Collection of our Councils Vol. 2. p. 325 there is no such Constitution to be found. That Edition follows a Copy in the *Cotton Library*; and there the last Canon is, *De concubinariis puniendis*. And with that Copy agrees another of *Lambeth Library* 80. 17. So that it does not certainly appear, that Constitution was really made in this Council.

Archbishop *Peckham* was forc'd by the K. and Parliament to Retract some things enacted in the Council of *Reding*. See *Pryn Eccl. Jurisd. Tom. 3* p. 235.

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